

**USAID JUDICIAL
DEVELOPMENT PROJECT
FOR BULGARIA**



**EAST - WEST
MANAGEMENT
INSTITUTE**

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Abbreviations

ABA/ CEELI	American Bar Association/ Central European and Eurasian Law Initiative
CIP(s)	Court(s) In Partnership
CMS	Electronic Case Management System
DOJ	U.S. Department of Justice
EU	European Union
EWMI	East-West Management Institute
GOB	Government of Bulgaria
IT	Information Technology
JDP	Judicial Development Project for Bulgaria
JSA	Judicial System Act
MC(s)	Model Court(s)
MOJ	Ministry of Justice
MOU	Memorandum of Understanding
MPC(s)	Model Pilot Court(s)
MTC	Magistrates Training Center
NCA	National Clerks Association
NGO	Nongovernmental Organization
NJI	National Justice Institute
RFPs	Request For Proposals
ROL	Rule Of Law
SAP	Strategy and Action Plan
SJC	Supreme Judicial Council
TOT	Training Of Trainers
UJB	Union of Judges in Bulgaria
USAID	United States Agency for International Development

USAID JUDICIAL DEVELOPMENT PROJECT FOR BULGARIA

EAST-WEST MANAGEMENT INSTITUTE
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FOURTH QUARTER REPORT, OCTOBER - DECEMBER 2003 and ANNUAL REPORT 2003

Introduction.

2003 saw milestones achieved--the NJI actually created and beginning to operate, and the constitution amended to improve the judicial system--and significant progress in many areas.

Constitutional Amendments. During the year the JDP and USAID worked with the Ministry of Justice (MOJ), the Venice Commission, and U.S. experts in constitutional law to assist the MOJ and the Bulgarian Parliament with efforts to amend constitutional sections affecting the judiciary. The JDP coordinated work with the Open Society Foundation and the MOJ to plan and host a third quarter national conference to publicize and obtain input on the proposed amendments. Presentations by the President of Bulgaria, the Minister of Justice, the U. S. Ambassador, and leaders of Parliament laid the groundwork for further conference discussions with law professors, judges, critics of the amendments, and interested NGOs.

At the end of the third quarter, the Bulgarian National Assembly unanimously passed the constitutional amendments. Those amendments were the first changes to the Bulgarian Constitution since its adoption in 1991. As passed, the amendments effect beneficial changes in judicial immunity, tenure, judicial evaluation, the ability to request and the grounds for divestiture of immunity, and in terms of office for the administrative managers of the judiciary.

National Justice Institute (NJI). By the end of the year, the dream of a governmental justice system training entity was beginning to be realized. Created on paper by statute in 2002, this government entity is charged with responsibility for training new judges and prosecutors, and with continuing education for magistrates and court staff. In 2003, with constant and extensive assistance and pressure from the JDP, the NJI was organizationally created and a suitable building was allocated. The SJC approved founding regulations, by late November both the SJC and the MOJ had finally appointed the full managing board of directors, and the Board held its first meetings before the end of 2003. The 2004 budget approved by the Government of Bulgaria included significant financial support for the NJI.

The next tasks will require the board to begin functioning--to adopt operating regulations, to hire a director, and to budget the governmental support. After the legal steps for acquisition of the building are completed, the JDP will either undertake and complete or assist with the renovations needed to make the building suitable for NJI operations.

Supreme Judicial Council (SJC). The JDP worked with an ad hoc committee of the Supreme Judicial Council to revise the SJC operational structure and internal rules. Using JDP technical assistance the SJC adopted new operating rules, and at the end of the third quarter began operating with defined committees and areas of responsibility. This new structure will improve operational efficiency of the Council. A new Council was elected in December and the JDP helped to organize and supported a well received mid-December transitional orientation conference for the new SJC.

Training. In 2003 the JDP continued to be extremely active in 1) directly providing training to judges and court staff, 2) assisting with training provided by the Magistrates Training Center (MTC), by the National Court Clerks Association, and by the U.S. Department of Justice, and 3) developing trainers and curricula for sustainable training programs. Previously presented trainings in high-demand programs such as customer service, grammar for court secretaries, time management, team building, change management, and supervisors/managers training were again offered in 2003. The JDP also offered new courses in 2003 in model hiring procedures, court staff labor rights and obligations, new employee orientation, and summons procedures. In order to address needs discovered while training courts on the Case Management System, the JDP also implemented basic computer skills training for many courts. As a major component of creating sustainability, the JDP continued to organize and support programs to train trainers; in 2003, forty-nine clerks and twenty-seven judges completed basic or advanced Training Of Trainers.

In 2003 the JDP changed from a central location training methodology to a greater emphasis on local area and on-site court trainings around the country. These include local court trainers and training plans tailored to fit the needs of individual courts. This enhances the sustainability of and local responsibility for training and also increases the demand and acceptability for continued judge and staff training.

Courts In Partnership (CIPs). The year began with USAID reconsidering both whether and when to expand the Model Pilot Court program to include Courts In Partnership. After approval to begin the CIP program was received in June 2003, the JDP conducted initial meetings with model courts and their Courts In Partnership. By year's end, the JDP had begun work with eight new courts and a new division of the largest court. That has expanded the model court program to twenty courts.

The CIP process marks a significant shift of development methodology. With the model pilot courts the work was donor initiated, planned and implemented. Work with CIPs is donor initiated, Bulgarian court planned with JDP assistance, and jointly implemented by different combinations of model courts, CIPs, and JDP work. Some of the work will be done solely by the courts themselves without JDP assistance. This methodology builds better sustainability and greater Bulgarian "ownership" of the process of improvement and of the improvements themselves.

Electronic Case Management System (CMS). The JDP continues to work to develop CMS software enhancements. A major addition in 2003 created internet-based access to a court's CMS. This permits remote user access to court files and case information and permits electronic transfer of case files between different court locations. After completion of the enhancements, the JDP organized and conducted a CMS users conference in September to

demonstrate the system and educate future CMS users. A by-product of that conference included a radio broadcast of information about the CMS to a live audience of three million people in Bulgaria.

As assistance to the efforts of the government of Bulgaria to develop its technology resources for the court system, EWTMI and USAID donated irrevocable CMS license rights to the SJC for future use and improvements of the software. As a result of the financial and technical assistance provided by USAID and the EWTMI JDP, Bulgaria now owns software rights in an electronic case management system which was designed for Bulgarian courts by Bulgarian experts, was tested by Bulgarian courts, has been enhanced by Bulgarian court system administrators, is being used in Bulgarian courts, and is among the most powerful court case management systems in the world.

Reducing Case Delay. The JDP has invested extensive efforts to develop and implement programs to reduce delay in court cases. A Phase One education and planning conference for judges occurred in the second quarter. Phase Two was a study tour in the U.S. for ten judges. Phase Three occurred at the beginning of the fourth quarter and involved education of a larger group of judges, court staff, and attorneys. It also marked the launch of working groups to tackle different areas of the causes of delay and potential solutions. Those working groups will develop action plans which will be implemented in some courts in 2004. This ambitious process is educating judges, court staff, and lawyers about the causes of delay, is developing a wide constituency of change agents to improve case management, and will include pilot projects to improve procedures and expedite case processing.

Working Desk Manuals. Using judge and clerk working groups, the JDP has developed four operational manuals for court use. These will improve court operations and staff development, and will standardize court procedures across the country.

The first was an Orientation Manual for new staff. This manual and an accompanying training program will enhance staff development and assist with staff productivity. The second was a manual on the summons process for court cases. The first training using this summons manual was extremely well received and revealed a greater need for summons clerk training than anticipated. This will lead to an expansion of training efforts in this area. These two manuals have received wide distribution; by year's end all courts received printed and CD versions.

The third and fourth manuals focus on the procedures for civil and criminal cases. These manuals are completed in English, but need final court reviewers' comments and final editing, and will be published and distributed early next year.

Websites and Web Portal. The JDP has developed a standard template for Bulgarian court websites. A few courts have installed and started to use this format. In the fourth quarter the JDP hosted the first meeting of an SJC expert working group to develop a national court web portal. When operational, a user will log onto one central judicial system website and this web portal will permit access to all on-line courts and judicial system organizations. This will greatly enhance public access to court information and encourage greater transparency.

Donation of Computers to Bulgarian Courts. Automation has been an important component of JDP work with model courts. Computers, servers, copiers, scanners and other related office automation equipment have been purchased by the JDP since August 2000 and placed in model courts. Although placed in model courts, title to the equipment had remained in EWMI. In recognition of the progress made by those courts, in 2003 EWMI and USAID donated over one million dollars of automation equipment to eleven model courts and to the Supreme Judicial Council. That donation was commemorated by a high media profile public ceremony attended by the U.S. Ambassador, James Pardew, the Minister of Justice, the Chairperson of the Supreme Administrative Court, the Mission Director of USAID Bulgaria, Debra McFarland, and the Chairpersons of the eleven model courts.

Partner Collaboration. During the year the JDP continued its efforts to cooperate with other USAID partner projects, to build synergies, and to leverage the work of various projects and implementers. JDP leadership met with all other donors assisting with the work of the Magistrates Training Center (“MTC”). This resulted in a unified position on legislation concerning the structure of the National Judicial Institute (“NJI”). The JDP also had individual meetings with specific AID partners and other implementing entities such as ABA CEELI (to discuss cooperation with court software efforts, ADR development efforts, bench-bar development efforts, and transfer of work responsibilities for projects with the media and with the Union of Judges), ProMedia (to discuss court-media projects and court press attaches), US Department of Justice local representatives (to develop prosecutor training programs and to assist with actual training), the Supreme Bar Council (to discuss attorney involvement with court reform efforts), the USAID Commercial Law Reform Project (to coordinate work with courts on commercial case reform efforts), representatives of the United Nations High Commissioner on Refugees (to talk about a training program for judges on refugee laws), and representatives of United Kingdom PHARE projects (to discuss legal and judicial education efforts and the work of the Magistrates Training Center). That cooperation also continued with the United States Embassy and the U.S. Ambassador and continued participation in the Embassy ROL Task Force.

The JDP leadership also attended a USAID retreat in Bansko, Bulgaria during October 2003. This retreat focused on developing IR standards and better and more knowledgeable working relationships between USAID ROL partners.

Court Visits. The JDP coordinated a visit by the U.S. Ambassador to a Model Court. The JDP also organized and coordinated the highly successful court visit portion of a trip to Bulgaria by staff members of the U.S. Congress House Appropriations Committee. During that visit to the courts in Blagoevgrad, the JDP issued a Briefing Book report that contained principles of court improvement and identified specific accomplishments of the Blagoevgrad courts with the assistance of the JDP.

Expansion. The JDP has begun expanding the reach of its work. It has added new tasks at the request of USAID, has expanded to begin reaching twice as many local courts, and expects soon to begin major expansion work with the National Justice Institute. The current size of the project staff and of the “old” JDP offices will not support that expanded work. During the last two Quarters of 2003 the JDP began and completed efforts to meet the requirements for additional project office space. By the first of December, the JDP had relocated to slightly larger and more centrally located offices. This will permit additional staff to meet the

growing demands for JDP assistance. The JDP welcomed visitors to its new offices at a party in December which was attended by the Minister of Justice, many SJC members, many court chairpersons, and both judge and staff trainers. By the end of the year a second full time court administration specialist had been hired.

Report. This East-West Management Institute Judicial Development Project Rule of Law activity in Bulgaria (the “JDP”) falls within USAID/Bulgaria Mission Strategic Objective S.O. 2.2, *Improved Judicial System that Better Supports Democratic Processes and Market Reforms*. USAID's overall Bulgaria strategy is to develop a strong democratic society, to assist the country in its transition to a market-oriented economy, and to assist efforts to achieve the broader goal of EU accession. This Quarterly Progress Report submitted by East-West Management Institute, in accordance with section 1.5.2 of the above referenced Cooperative Agreement, includes the JDP's activities for the above referenced period.

This report is organized to track the JDP's 2003 work plan. The work plan contains detailed information about the Judicial Development Project's current status, objectives, proposed activities and tasks, timeframes and deliverables. This report directly compares each activity outlined in the work plan with the JDP's timely achievement of deliverables. It assumes a general familiarity with the JDP's objectives and background information contained in the work plan. New workplan sections which were not present in the first quarter 2003 report are located under Court Administration in this quarterly report to track the new areas of work added at the request of USAID.

In 2002 Bulgaria formally approved a Program for the Implementation of the Strategy for Reform of the Bulgarian Judiciary. This includes both a strategy and an action plan for specific improvements to the judicial system over a five year period. The JDP was instrumental in assisting in the development of that Program, and in this report the work undertaken by the JDP is cross-referenced to the plan. Many sections below contain a cross reference to a particular sub-section of the Strategy and Action Plan which is listed as SAP (Strategy and Action Plan) and a sub-section number, e.g., [SAP 1.1.6.]

I. COURT ADMINISTRATION

Introduction

All five of the major program areas for the Project under the extension agreement contain components of court administration. Working with the courts themselves through the chairpersons, judges, and court staff, working with the SJC and the MOJ to make those entities and the courts operate more efficiently, working to draft legislation and regulations which affect the legal process, training judges and court staff in techniques that help them perform their jobs, and working to provide automation tools for court operations are all centered around helping the courts to operate more effectively and efficiently. Even though training and automation are significantly aimed at improving court administration, they are separated in the work plan and in this report.

The addition of a second Court Administration Specialist (short term) early in 2003 increased the pace of work in all areas of court administration. The most effective grass-roots tool for

the Project has been the Model Pilot Courts (renamed “Model Courts” in 2003). In an effort to increase communication, enhance assistance, strengthen relationships and deliver direct services to those Model Courts, the JDP began to visit the MCs more frequently in order to establish both an actual and a perceived “Presence in the Courts.” During each visit the team met with the Chairperson of each court and with selected key staff pertinent to each specialized JDP division. The initial team visit was constructed to deliver information as well as directly solicit understanding of how the JDP can be of continued direct assistance to each MC in court administration, training and information technology. Information delivered and discussed with respective key staff included possible Courts in Partnership courts as well as anti-corruption measures. The dividends from each visit were exponential in “reestablishing” closer ties with the MCs.

In mid 2003 a short term Court Administration Specialist left the JDP to resume work in the Albanian Judicial Reform Project. During the same period another Court Administration Specialist worked with the JDP on a ninety day short-term contract. During his time with the JDP he organized and conducted focus groups in the area of public access to court records, and provided initial development work in two other areas.

During the third and final quarters the JDP began inaugural Model Court -- Court In Partnership meetings in nine CIP courts. These meetings laid the foundation for an effective three-way partnership. Follow-up site visits were conducted in four CIPs. The JDP also continued visits to the Model Courts. During each visit the teams met briefly with the Chairperson and then directly with the local court staff involved in the tasks to be accomplished.

A second full time Court Administration Specialist was hired in December and will join the JDP in January 2004. This will significantly accelerate the pace of court administration work.

A. Courts In Partnership and other local court operations.

1.1 Courts in Partnership:

Objective: To develop and implement a “Courts In Partnership” (CIP) program capitalizing upon the positive results of the MC program by national expansion of court administration principles and management.

Results/ Deliverables: [SAP 1.1.1.6; 1.3.1.2; 3.1.3; 2.1.1.1; 2.1.1.3; 2.1.2.1; 2.1.2.2.]

New CIPs. The year began with USAID reconsidering both whether and when to expand the Model Pilot Court program to include Courts In Partnership. After approval to begin the CIP program was received in June 2003, the JDP conducted initial meetings with model courts and their Courts In Partnership. By year's end, the JDP had begun work with eight new courts and a new division of the largest court. That expands the model court program to twenty courts.

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different combinations of model courts, CIPs, and JDP work. Some of the work will be done solely by the courts themselves without JDP assistance. This methodology builds better sustainability and greater Bulgarian “ownership” of the process of improvement and of the improvements themselves.

During the first quarter the JDP undertook a rigorous evaluation process to nominate and select appropriate Courts in Partnership for the MCs. The evaluation process involved consideration of numerous factors ranging from, but not limited to, court size, workload and work processes, progressiveness of the managing judges, non judicial staff's receptivity and attitude toward problem solving, openness towards operational changes in court administration, automation, facilities, and basic computer literacy. The JDP Chief of Party identified eleven (11) CIPs for tentative final selection. Subsequently JDP submitted a formal proposal to USAID for designation of the CIPs. USAID approved the selection of those courts for JDP expansion into new courts.

The JDP followed by planning the process and development of a model methodology for introducing a CIP to the Model Court process and for beginning joint planning between the MC and CIP. This methodology was tested and revised and repeated for the successful inaugural meetings with nine CIPs. It will be repeated for the remaining two CIP initial meetings in 2004. Four successful initial meetings were held prior to the summer judicial holiday. Five more meetings were held in the last month of the third quarter and in the fourth quarter. The new CIPs (with their Model Court partner listed in parentheses) are:

Kurdzhali District Court (MC: Smolyan District Court),
Chepelare Regional Court (MC: Smolyan Regional Court),
Kyustendil District Court (MC: Blagoevgrad District Court),
Gotse Delchev Regional Court (MC: Blagoevgrad Regional Court),
Shumen Regional Court (MC: Shumen District Court),
Sofia Regional Court Criminal Division (MC: Sofia Regional Court Family Division),
Vratsa District Court (MC: Sofia District Court),
Veliko Turnovo District Court (MC: Gabrovo District Court), and
Sevlievo Regional Court (MC: Gabrovo Regional Court).

In joint planning meetings which involved the CIP, its MC partner, and the JDP, each CIP court identified its target areas for court improvement work. Those were refined by the development of Action Plans between each MC-CIP partnership. Memoranda of Understanding have been signed between the JDP and the new CIPs. Follow-up site visits to Gotse Delchev Regional Court, Chepelare Regional Court, Kyustendil District Court and Kurdzhali District Court were conducted in the fourth quarter. Site visits to five other CIPs have been confirmed for January 2004. Site visits help the JDP evaluate the CIP needs and refine further Action Plans and reporting. A pre-site visit questionnaire was formulated and used with those first visits. Information gathered via the questionnaire will help development of local court improvement plans, and help form a “profile” of the court.

Briefing Books. During the second quarter the JDP began the practice of preparing Briefing Books to provide information to assist official visitors on visits to Model Courts. The Briefing Books contain principles of court improvement and identify specific accomplishments of the Model Courts with JDP assistance. In the second quarter a Briefing

Book was used to assist the U.S. Ambassador on his visit to the Shumen District Court. In the third Quarter, these Books were part of a successful visit to the Blagoevgrad Model Courts by members of the staff of the U.S. Congress House Appropriations Committee. The JDP organized and assisted with the court portion of that visit to Blagoevgrad. The JDP is continuing this practice with the research and preparation of briefing books for Gabrovo Regional and District Courts, Plovdiv Appellate Court, and the Sofia Courts. The JDP-designed initial template for the books has been modified and shared with several MCs. Future Briefing Books will be modified to include any MC contributions to content and design. The ultimate objective is to make each Briefing Book a Bulgarian product which can be used as part of court outreach efforts.

Chairperson meetings. In an effort to involve more of the leadership of each court in the reform efforts, the JDP expanded the format of these recurrent meetings to include Model Court chairpersons and a deputy chairperson, and CIP chairpersons and deputy chairpersons. The highest attendance at any of the previous chairpersons meetings had been eleven judges; twenty-seven chairpersons and deputy chairpersons attended the meeting at the end of the third quarter. In addition to information about future JDP activities, the attending judges participated in group discussions concerning the future direction of judicial reform efforts in their courts and in Bulgaria.

MAKING NEWS:

The local press in Sevlievo was invited by the Chairperson of the Sevlievo Regional Court to provide press coverage of the four-way initial Courts in Partnership meeting with Sevlievo Regional Court, Gabrovo Regional Court, Veliko Turnovo District Court, and Gabrovo District Court. The November 24, 2003 article appearing in the "Rossitza" newspaper reported that the Gabrovo Model Courts had concentrated their efforts on use of physical space, improving staff qualifications and effective and high quality customer service. The article also reported that the courts were intensifying efforts to improve their work, and ultimately would be strengthening their counterparts in the region. "Rossitza" reaches a circulation audience of approximately 3,000 people in the Sevlievo area.

1.2 Operations Reviews

Objective: Development of an operational template that systematically measures key elements of successful court operations along with process re-engineering for optimal use of court personnel and automation, reduction of duplicative tasks, and improved court performance and court workflow efficiency.

Results/ Deliverables: [SAP 1.1.1.6] In the second quarter the JDP began work on an effort to define the characteristics of a Model Court. The work began with an effort to define the principles underlying a model justice system, and to expand those principles into goals and activities for the courts. The JDP drafted a checklist -- called "What is a Model Court" -- which continues to be developed and refined for different uses. The checklist extrapolates the principles underlying a model justice system into goals and activities for the courts. The first use was for the Ambassador briefing and Briefing Book for a visit to a Model Court. In a modified form, the checklist has been used in the assessment and planning process for the CIPs. Each MC and CIP used this tool as a means of narrowing and defining their areas of court improvement work. The checklist will continue to assist with court evaluations, progress reports, and public relations for the courts.

Items from the checklist and from the CIP pre-site visit questionnaire will ultimately become part of the operations review template. A short-term court administration consultant assisted with template development during but further work is needed. IT operational reviews were conducted in three of the new CIPs. Each CIP site visit has included a small scale administrative operations review. Information gathered during those visits assists with determining the need for a more intensive review, with developing final recommendations and action plans.

1.3 Court Administrator Training

Objective: Provision of training to new court administrators and other key court personnel that will improve their ability to manage court activities and personnel. The administration of courts has been an expected duty of each chairperson and designated key personnel, most commonly the administrative secretary. Previously the Project introduced the concept of professional court administrators and the development of strong executive teams at the local level.

Results/ Deliverables: [SAP 1.1.1.6; 2.1.1.3; 2.1.3.2.] The Rules for the Organization of Courts (new Regulation 28) were not adopted by the Ministry of Justice during 2003. During the third quarter the draft Proposed Rules of Court Administration were sent to the Supreme Judicial Council by the MOJ. The SJC subsequently distributed the proposed rules to all courts in the country and asked for comment. Comments were received by the end of the third quarter and a committee was formed within the SJC to evaluate and summarize those comments. The comments which were received reportedly did not directly challenge the position of court administrator. Late in the quarter the SJC determined that action on the proposed regulation would be deferred to the newly elected SJC for work in early 2004.

In anticipation of the adoption of these rules and subsequent hiring of court administrators, the Court Administration Training Program (CATP) was developed. The CATP structured training program is designed to strengthen the management and administration of the courts through the introduction and application of sound, universal management principles and practices. The CATP will use international consultants/experts to deliver a series of specific content areas: Leadership, Resources and Budgeting, Human Resource Management, Case Flow Management, and Strategic Planning. Each content area is approximately three days in length. At a minimum, an additional day will be set aside for training of identified “to be” Bulgarian trainers. This feature of the program design includes a component whereby knowledge and training skills are transferred from international consultants to local Bulgarian court managers and administrators ensuring the on-going delivery of the programs. For each content area, at least two Bulgarian court managers or administrators (a judge may be included) will be identified to participate in an intensive one-day training session with the consultant. This approach will build sustainability and strengthen the knowledge base of the trainers in particular areas. The consultant will work with the trainer to develop lesson plans that can be used in the future. The five content areas will be delivered bi-monthly beginning in the second quarter of 2004.

Nearly all courts identify management training as a need. In the event that the hiring of court administrators continues to be delayed in 2004, an alternative executive court management program will target chairpersons, administrative secretaries, and select supervisors and

accountants. The components delivered will be the same as in the CATP, and will begin in the second quarter of 2004. Key national judicial leaders from the Supreme Judicial Council will be invited to participate in either program.

In the fourth quarter, JDP management conducted a personnel evaluation of each JDP staff member. This was intended not only to assist with management of the JDP, but to prepare JDP staff to assist court administrators and managers with issues of personnel management.

1.4 Desk Manuals

Objective: Development of desk manuals to assist the courts in supporting initial staff training and cross training as well as the provision of uniform services and education to court personnel. The desk manuals also provide a vehicle for increased transparency and understanding of the court procedures.

Results/ Deliverables: [SAP 2.1.1.1; 2.1.2.5; 2.1.3.1.] The new employee orientation manual was completed and distributed to Model Courts in near-final form late in the first quarter. Each of the drafts for the first three desk guides (Summons, Civil and Criminal) underwent rigorous review. Requests were made to large, medium, and small courts for an unbiased and professional critique of the desk guides. Both clerks and judges were asked to review the guide for applicability, relevance, appropriateness of language and format, and user friendliness. Each guide includes specific “how to” information, glossary of terms, overview of local and national judicial structure, required forms, the clerk's code of ethics, job description, and identification of best business practices. Forms that are produced by CMS are clearly identifiable. Each guide focused on customer relations with both external and internal court customers.

The demand for training for summons clerks made that manual the first priority. The summons guide was reviewed repeatedly by the JDP for accuracy, inclusiveness, and applicability to the role of the summons clerk. The comments and responses received were very positive--commending the guide for its thoroughness and comprehensiveness--and only minor changes or additions were suggested in the summons guide. 166 summons guides were printed. Each hard copy of the guide included a CD ROM for easy duplication and future changes. Initial distribution began at the third quarter Model Court and CIP Chairpersons meeting. The summons guide was distributed nationally to all district, regional, appellate and military courts in Bulgaria in the fourth quarter. Copies were provided to the Supreme Administrative Court and the Supreme Court of Cassation. The largest courts in the country received at least two summons desk guides.

Both the civil and criminal intake guides received the same intensive level of internal JDP scrutiny. Late in the fourth quarter selected Bulgarian courts received the civil intake clerk's guide for review. Again, both clerks and judges were asked to apply the same standard requested with the summons guides. Responses, final revision and publishing were delayed due to the Christmas holiday and the courts' annual statistical preparation. Final publishing and distribution of the civil desk guide is now planned for early in the first quarter of 2004 and will be identical to distribution of the summons guide. At the end of the quarter, the complete English version of the criminal manual was being translated in the JDP; anticipated court review and subsequent publishing and distribution are also targeted for early 2004.

SUCCESS STORY:

Many unsolicited comments from a variety of court chairpersons have praised the summons manual, citing the ease with which the manual can be read and understood by the clerks and its direct applicability to their positions. Several chairpersons commented that they intended to have the manual loaded on clerks' computers, expected it to be read within a brief period of time, and would further test the clerks' knowledge of the subject.

1.5 Brochures

Objective: Making courts more accessible to the general public and building confidence in the court system through increased written information that is straightforward, germane and clear for court users. Since draft brochures exist in two court locations the JDP will build upon the work that has been done and ultimately distribute the finished product nationally.

Results/ Deliverables: [SAP 12.2.1.] During the second quarter a JDP staff attorney facilitated working groups to draft brochures for public users of the courts. One group of judges completed drafts regarding a general overview of the Bulgarian judicial system, filing fees, the summons process, and options of the public in property seizure prior to the entry of a judgment. In the third quarter the working group also drafted a nationwide “roadmap” to the courts (including maps for all court regions, lists of all courts, addresses, public phone numbers, and internet site addresses). This working group received additional assistance from a NCCA brochure drafting group in the form of detailed instructions and identification of eleven commonly used forms.

With the assistance of a JDP staff attorney, a second working group comprised of nominees of the National Court Clerks Association, drafted additional supplementary brochures that focused on questions most commonly asked by the public. The first brochure advises the public about where to appear and what type of documents/forms are required for specific court actions. The second brochure, entitled *How to Obtain a Conviction Certificate*, was distributed nationally to 152 courts during the fourth quarter. The copies were in laminated form for later inclusion in the forthcoming “roadmap.” The JDP has received praise for the user friendliness and ease of preserving and copying the final laminated form.

Drafts for several other brochures have been revised and reviewed for national distribution with “the roadmap” in early 2004. Those awaiting translation and subsequent distribution include the summons process, jurors, witnesses, attorneys, options of the public in property seizure, and a guide to the Bulgarian courts.

Participants in the third quarter Case Delay Reduction World Learning Tour observed and expressed interest in the development of Pro Se Self-Help Centers for Bulgarian courts. If developed, the centers will be an ideal vehicle for the use of brochures. Several CIP Action Plans and subsequent site visits have reflected an interest in public information displays and brochures. The Sofia Regional Court expressed direct interest in public brochures and further development of their information center and asked the JDP to review their proposal. After that review, the JDP replied in the fourth quarter with an expanded proposal that included contact information for the court, more detailed case specific information, fee disclosure, forms, information for attorneys, witnesses, victims and public opinion surveys of court customer service.

1.6 File Folders

Objective: Finalization of a report to the MOJ outlining benefits of a uniform file folder system and possible resolutions to ongoing issues, as well as coordination of second follow up visits to the courts to monitor correct file folder usage.

Results/ Deliverables: All of the original objectives regarding the use of a national sequential file folder system in Bulgarian Courts have been met. A report for the MOJ was finalized and sent to Minister of Justice Stankov in May 2003. The report included issues and concerns, benefits of the system, and recommendations for possible solutions. Final recommendations to improve the quality of the product included a discussion of the options regarding national vs. local procurement. The JDP strongly recommended that the Ministry of Justice issue a public tender to vendors, issue quality standards, and follow them. Included with the report was a chart comparing prices of several printing companies and the currently used Prison Printing House. Poor folder quality was the subject of criticism in a March 2003 draft report by MSI analyzing the effect of USAID assistance to the Bulgarian judicial system (MSI's criticism of the JDP in this regard was misplaced, as the report failed to account for the differences in quality between the file folders tested and recommended by the JDP and those produced and distributed by the Prison Printing House). No formal response has been received regarding the report and recommendations provided by the JDP to the MOJ.

The JDP completed the distribution of remaining book-end type file folder supporters in the second quarter. Twenty seven boxes of supporters were mailed to twenty six court locations throughout the country; personal deliveries were made to the Sofia area courts. The JDP has now obtained and distributed 880 file folder book-end supporters to various courts.

Although the JDP is not still actively involved in this area, a small degree of monitoring continued to be done as CIP site court visits were conducted.

B. Institution Building and National Administration Assistance

1.7 Strengthening the SJC Capacity

Objective: To assist Bulgaria in creating a strong and independent system of national judicial administration. The JDP will focus on strengthening the SJC capacity by assisting in developing new internal administrative rules, operating procedures and effecting the recommendations contained in the 2001 institutional assessment by a US based JDP consultant.

Results/ Deliverables: [SAP 3.1.1; 3.2.1; 3.2.2; 10.1.1; 10.1.2; 12.2.3; 12.3.2.] During the first and second quarters the JDP provided a draft of proposed new SJC rules to an SJC working committee and the committee returned those draft rules to the JDP with a request for further technical assistance. That further assistance was provided by the JDP during the third quarter and the new SJC rules were adopted by the council. Those rules contain many of the principles and purposes proposed by the JDP and establish standing committees for more efficient SJC operations as recommended by the JDP. Further assistance for revisions of those new rules was provided to the new SJC Secretary-General in the fourth quarter.

In the fourth quarter the SJC chief accountant, with JDP support and sponsorship, provided training for all court accountants in the regional and district courts, prosecutors and investigators offices. Training focused on recurring problems with income reporting, annual output reports, new legislation pertaining to payment of social security, and social security reports for 2003. The national comptroller's viewpoint of the most common problems was also presented. Representatives of both the JDP and NJI presented their current plans and activities. Over 250 people received this training.

During the final quarter the JDP staff met with the new Secretary General of the SJC to discuss further cooperation and work between the JDP and SJC. She requested and the JDP provided further input on concepts of administrative functioning by permanent committees of the SJC. JDP staff also addressed the current status of the Proposed Rules of Court Administration; the SJC decided to defer that issue for the new Council.

By law, the terms of the members of the SJC expired in December 2003. New members were chosen in the manner specified in the constitution: six new members were elected by the judges, three new members by the prosecutors, two by the investigators, and eleven by parliament. The newly elected SJC held its first meeting on 17 December 2003. The JDP assisted with the organization of and materials for this first meeting. As part of the orientation of the new members, the JDP COP addressed the Council. In that presentation the JDP encouraged the new Council to focus on policy making, to increase the SJC transparency and hold open meetings, to improve the processes of judicial discipline, to develop a good media and outreach policy, to support efforts to reduce court case delay, and to be proactive about corruption problems.

1.8 Public Access to Court Records

Objective: To introduce the use of clear and accurate recording of court proceedings as well as clarify and enlarge the scope of public access to court files, records and proceedings by applying the seven-step approach set forth in the JDP's 2003 workplan.

Results/ Deliverables: [SAP 2.3.1.] Research on international and European Union standards on access to court records began in the first quarter through the assistance of a US trained attorney providing pro bono services to the JDP. JDP staff completed the majority of the tasks of identifying Bulgarian statutory and regulatory prohibitions on access to court records. Staff began drafting sample recommendations for regulatory and statutory changes. To improve openness and transparency in court proceedings the JDP had preliminary discussions and planning on establishing a pilot program for verbatim court recording and transcription of court proceedings. It was anticipated that this pilot program would be installed in one of the model or partner courts in the latter part of 2003. That pilot program will now begin in early 2004.

During the fourth quarter the JDP again met with officials from the St. Cyril and Methodius Foundation to discuss possibilities for achieving verbatim court records by a court reporter system. The Foundation submitted a project proposal requesting over \$600,000 of support. The JDP indicated a willingness to proceed with a pilot project for a court reporter in a court, but an inability to provide financial support for development of a court reporter system.

The JDP continued with work plan step two (identifying limitations on public access) and step three (beginning efforts to raise awareness of policy and court practice issues) towards the goals of more open records and increased transparency. In an effort to gather a variety of viewpoints on the issues of public access, the JDP conducted telephone and in-person interviews with judges, court staff, attorneys, journalists, and representatives of the Rule of Law Institute, the Open Society Foundation, and the Bulgarian Lawyers for Human Right Foundation. Subsequently, the JDP conducted two separate focus groups with participation by invited judges, court public relations staff, heads of Bulgarian NGO's, attorneys, and media representatives. The purpose of the focus groups was to gather information and begin a dialogue on public access to court records and the resulting transparency of the court system. The practice of restricting access to records appears to be based on the perceived right to privacy of parties to a case, and the protection of classified information.

JDP research continued on the issues of public access with a focus on current Bulgarian laws. As a starting point for a working group on development of new public access policies, the JDP began writing an initial draft public access policy based on the results of the research and the focus groups. This working group will attempt to draft a policy that will support new practices and new legislation. In the fourth quarter JDP staff attorneys proposed names and entities for involvement in this working group.

1.9 Strategy and Action Plan

Objective: Supporting the implementation of Bulgaria's 2002 Program for the Implementation of the Strategy for Reform of the Bulgarian Judiciary. Formal coordination of activities in order to eliminate overlap, identification of active and neglected areas, and the maximization of resources.

Results/ Deliverables: [SAP as a whole.] In the first quarter, the MOJ started its own effort to coordinate donor activities and to revise the SAP, and those efforts duplicated the work started by the JDP. In order to avoid overlap, efforts by the JDP were stopped. If the MOJ monitoring effort becomes sporadic or incomplete, the JDP will consider renewing efforts to coordinate information on SAP progress.

As a further step in ensuring synergy and eliminating overlap in services, the JDP participated throughout the year in the US Ambassador's Rule Of Law Task Force. The Task Force centers on focusing the delivery of criminal justice services in the most effective way.

The JDP met with Paul Scott, a representative of USAID Washington, to discuss judicial reform needs and to participate in efforts to formulate the subject matter of a Rule of Law MOU between the U.S. government and the government of Bulgaria. The JDP later provided comments and suggestions for a proposed MOU.

Also during the third quarter JDP leadership met with Carolina Cernica from the Chambre des Notaires du Quebec, referred to the JDP by USAID, to explore potential cooperative work with a new project involving Bulgarian notaries and the notary system. Areas of possible future involvement were discussed, but there was no anticipated imminent cooperative work.

C. Legislative/ Regulatory Drafting Assistance

1.10 Legislative/ Regulatory Assistance

Objective: To assist the Bulgarian government in implementation of the objectives of the Judicial Reform Strategy; to assist in legislative/regulatory drafting.

Results/ Deliverables: [SAP 1.1.1.4; 2.1.1.2; 13.1] Late in the first quarter of 2003 the MOJ submitted to Parliament proposed amendments to the JSA. A few of these amendments affected the operation of the SJC. The JDP consulted with several members of the SJC and provided opinions concerning the impact of those provisions submitted by the MOJ.

During the second quarter the JDP assisted with efforts to jump-start the process of constitutional change. In partnership with the MOJ and US DOJ, the JDP assisted the work of the EU Venice Commission. A committee of the Venice Commission came to Sofia for meetings with various governmental groups; that committee was joined for the meetings and discussions by Peter Krug and Rett Ludwikowski, constitutional law experts provided by the JDP. Professor Krug is from the University of Oklahoma School of Law and is the representative of the United States Supreme Court to the Venice Commission. Professor Ludwikowski teaches international law at Catholic University School of Law. During their visit, Professors Krug and Ludwikowski and the JDP COP participated with the Venice Commission committee in meetings with the Minister of Justice and other members of his staff, with the leaders of the parliament legal affairs committee, with representatives from the EU, and with the ad hoc coalition committee formed by parliament to propose constitutional changes.

Throughout these discussions, the focus was on ways to amend the constitution that would not require dissolution of parliament and the convening of a Grand National Assembly. Professor Krug and the JDP COP also briefed the US Ambassador and Deputy Ambassador on the progress and process of constitutional change. Both Professors Krug and Ludwikowski provided reports containing observations and ideas to assist with future amendments.

The JDP continued efforts to assist the process of constitutional change. JDP leadership discussed the areas of potential constitutional amendments with the Minister of Justice. As part of an effort to increase the acceptance of potential amendments, the JDP provided analysis and technical advice, but did not engage in any drafting of possible amendments. An ad hoc coalition committee of Parliament released its initial draft of proposed amendments. All discussions and drafting efforts were focused on constitutional amendments which would not require dissolution of parliament and the convening of a Grand National Assembly. Those areas of constitutional reform included reduced immunity of magistrates, broadening the process for divesting immunity, and altering the tenure of magistrates.

The JDP provided policy makers at USAID, the US Embassy, and MOJ with an analysis of the proposed amendments. Ms. Laurel Miller, an attorney from the United States Institute for Peace, was requested by the US Ambassador to analyze and report on the proposed amendments. The JDP provided commentary and feedback to Ms. Miller for her report, and met with her while she was in Sofia.

The JDP proposed to expand the public knowledge and opportunity for comment on the proposed amendments. Working with the Open Society Foundation, the MOJ, and USAID, the JDP completed the principal tasks for organizing and conducting a public conference on the proposed amendments. The JDP was also the principal source of funds for this conference. Prior to the conference the JDP assisted with background discussions with members of the Venice Commission.

On September 9, 2003 the conference, titled “The Amendments to the Constitution in the Judicial System Chapter: Reality and Prospects,” was held at the Sheraton Hotel in Sofia. Thoughtful presentations were made by U.S. Ambassador James Pardew, Bulgarian President Georgi Parvanov, Minister of Justice Anton Stankov, Deputy President of the National Assembly (Parliament) Kamelia Kassabova, head of the EU delegation to Bulgaria Christoff Shtock, member of the Venice Commission Judge Orlando Afonso, and designated representatives from each of five political parties. In the afternoon members of various interested NGOs, law professors, and judges spoke on different aspects of the proposed amendments.

During the Conference, lunch was provided to all participants. Food purchased by the JDP for the Conference lunch which was not eaten by Conference participants was donated to Hospice Milosardie. The hospice reported that it was able to use the donated food to provide meals for 40 people over a period of three days.

In late September 2003 the Bulgarian National Assembly passed the amendments on the third reading. Each of the three votes in parliament had been unanimous. Those amendments were the first changes to the Bulgarian Constitution since its adoption in 1991. As passed, the amendments effect the following changes: judicial immunity is reduced from near absolute immunity to functional immunity for acts done by magistrates within their official capacity; the period of service needed to obtain irremovable tenure was lengthened to five years; prior to approval for tenure, a judge must receive an evaluation or attestation; the ability to request divestiture of immunity was expanded to include a request brought by one-fifth of the members of the SJC; the grounds for removing immunity were expanded; and terms of office were created for the administrative managers of the judiciary (such as chairperson judges and regional prosecutors).

In the fourth quarter the JDP attended a meeting with the parliament chair of the constitutional amendments committee to ascertain that group's further role with JSA amendments needed to implement the constitutional changes.

As part of assisting with development of a new Code of Judicial Ethics the JDP COP presented a lecture on the “Application of Ethical Codes” at a seminar on legal and judicial ethics in the second quarter. The seminar was organized by the Bulgarian Bar Council with the assistance of ABA CEELI and was attended by members of many of the professional groups within the Bulgarian legal community.

MAKING NEWS:

As the result of a question and answer session at the end of the Ethics program (see above), a newspaper reporter contacted the JDP for more information and an interview with the JDP COP. The result was a full page article on June 26, 2003, in the "Monitor" newspaper in Sofia on the subject of judge and lawyer ethics codes.

D. Case Management/Case Delay Reduction

1.11 Model Process for Reducing Case Delay

Objective: The development of case delay reduction mechanisms and training programs, time standards and case type models for judges, attorneys and court staff to facilitate more effective case management and less delay of justice.

Results/ Deliverables: [SAP 1.1.1.6; 1.1.2.1; 1.2.1.1; 1.2.1.2; 1.3.1.2; 2.1.2.5; 1.3.1; 2.1.3.2.] Early in the first quarter the JDP determined that there was still a need for a review of introductory case management techniques and methods to reduce delay.

Consultations with a US based expert on Case Management and Case Delay Reduction followed and a detailed and preliminary three phase plan was established for introducing case management to the Bulgarian Judiciary. Implementation in the second quarter included delivery of a successful Phase One training program to nineteen participants (including seventeen Bulgarian judges and two staff attorneys from the East-West Management Institute's Judicial Reform Project in Albania). The participant list included judges from Model Courts, non-model courts, and from all court levels. Maureen Solomon, the US expert in the field of case management, was well received. In the four key parts of the initial phase the participants: 1) analyzed current practices in their courts and nationally; 2) defined case delay in terms of "How long is too long?"; 3) developed a strategy for addressing delay; and 4) created a model of the ideal case flow.

Phase Two culminated with a World Learning Tour to the United States. The U.S. National Center for State Courts coordinated and facilitated the tour for ten judges. In preparation for the study tour, each participant was given information by the JDP on a variety of topics that had previously been identified in the Phase One conference. Judges were assigned to gather information on specific topics related to different aspects of case delay reduction (alternative dispute resolution, active judge involvement, time standards, differentiated case management, summoning process, the role of court administration and clerical staff, and the role of law enforcement) and to report back to participants in the Phase Three conference. The judges visited several court locations that were known to have studied, implemented and refined specific case management techniques designed to control and/or eliminate delay. Among the places visited were courts in Flagstaff and Phoenix, Arizona, and in Arapahoe County and Fort Collins, Colorado.

The participants expressed interest in many techniques they learned about, and special interest in possible implementation of Pro Se Litigant Self-Help Centers (which they believed could be accomplished in Bulgaria with minimum legislative change).

The participants had numerous discussions related to the need for legislative changes, but were continually encouraged by the JDP Court Administration Specialist to look at possible operational changes that would not require new rules or new statutes. Both operational changes and future legislative changes will become central themes of subcommittees formed at the Phase Three conference.

The two week tour culminated in a Case Flow Improvement Round Table that included the Vice President of the Justice Management Institute in Denver, Colorado, two district court judges, and expert consultant Maureen Solomon. The panel discussed state-wide standards, uniform application of case flow principles, and techniques of effective case flow. The tour concluded with planning and proposals for the Phase Three conference in the fourth quarter. It has also become apparent to the JDP that Case Delay Reduction will not end with three phases. The need for a national scope and involvement of national judicial leaders is recognized but is being reserved for Phase Four in 2004.

During the initial stages of planning the entire Case Delay Reduction program the JDP encountered resistance from judges to the idea of attorneys being involved in the process. With education by the JDP and with time, there was increasing interest in involving attorneys in the delay reduction process. The JDP met with the chairperson of the Supreme Bar Council and the leadership of the Sofia Bar to open a working relationship with the organized bar and to recruit attorneys for involvement in court reform projects. The JDP made a presentation at the semi-annual Supreme Bar Council meeting in Veliko Turnovo early in the reporting quarter. JDP staff presented information about the interests and goals of the JDP, about case delay reduction efforts, and about the importance of attorneys in eliminating delay.

The Phase Three Case Delay Reduction conference was also led by expert consultant Maureen Solomon from October 13-16, 2003. In the first part of this conference participants included the chairperson, a key judge, and one non-judicial staff person from each of the new and proposed CIPs. Because this group was new to the JDP efforts to address case delay reduction in Bulgaria, they were trained in basic principles and methods. Mid-week the new participants were joined by returning Phase One participants, and a new judge from each of their respective courts. Participants spent the remainder of the conference working in organized subcommittees on time standards, active judge involvement, self-help centers, appeals, alternative dispute resolution, and the summons process. Each subcommittee was tasked with developing a detailed action plan for the following five months in each of their respective areas. JDP staff attorneys provided facilitation and research assistance for each subcommittee meeting.

Each subcommittee plans to study its respective area and examine both rule and non-rule related changes that could be made. Research into European and American models has also been initiated. Where applicable each committee will design a model for future piloting in their court or court region. Local attorneys are actively participating or were invited to participate in four of the subcommittees.

Due to high interest in this issue in the Gabrovo courts, the JDP, including expert Maureen Solomon, was asked to present a condensed seminar on the critical elements of case management and action planning. Nineteen judges and clerks from both the regional and district courts in Gabrovo participated in the half-day seminar.

MAKING NEWS:

A reporter from the Gabrovo daily paper, Vesti, covered the seminar and published an article in the October 20, 2003 issue. The reporter wrote that the meeting was part of the USAID Judicial Development Project, under which Gabrovo Regional and Gabrovo District Courts are model pilot courts. The article went on to say that “it became clear that the movement of cases needs to be managed in order to achieve a fair, correct and timely resolution of each case.” The article stated this requires programs and procedures to encourage timely preparation and to ensure that all court activities take place within the scheduled timeframes. The reporter added that the American lawyers recommended measures against delay; an example is the doctrine of “definitiveness,” which means restricting the appeals at a higher instance. The article also presented the concepts that an appeal should not involve a new review of the facts of the case but only of the procedure; that evidence should only be presented at the first instance (trial court).

A final and significant component of the Phase Three conference was a seminar designed specifically to address attorneys and their role in reducing delay in the courts. Nineteen attorneys from six locations in Bulgaria participated in a one day seminar. Attorneys studied recognition of delay, problems caused by delay, promptness related to achieving just results, determining if delay exists in the Bulgarian judiciary, and the stages and benefits of delay reduction for parties and attorneys. Attorneys also learned about early judicial interaction, deadlines for completing case activities, emphasis on case settlement, case differentiation and strict limitation of postponements. The seminar ended with general and small group discussions and reports on what judges, lawyers, and parties could do to improve or avoid delay in case processing. Several attorneys expressed interest in working with the subcommittees and all expressed appreciation at being asked to participate in the seminar. The JDP also conducted interviews with three Sofia based attorneys.

E. Human Resource Management

1.12 Court Administrator Model Hiring

Objective: Introduction of formal, transparent and open hiring practices for new Court Administrators as well as integration of more objective and professional hiring practices in filling all vacant non-judicial court positions.

Results/ Deliverables: [SAP 1.1.1.6; 2.1.2.1] Although the new proposed Rules of Court Administration governing the hiring of court administrators continued to lack a firm adoption date throughout 2003, in the second quarter the JDP met the original objective of delivering training and a Model Hiring Manual to regional, district, and appellate court chairpersons. The forty participants included representatives from model courts, probable courts in partnership, and courts that have had very limited involvement with the JDP. The subjects in the manual included recruiting, screening, interviewing, reference checking, and the final steps that the Chairperson should take in making a final selection. Included in the attachments was a proposed employment application for the Bulgarian judicial system. Use of a uniform application will create the same standard and process for hiring nationally, and will provide a fair basis for screening and interviewing. The information was well received and the training was very successful. Suggestions from the participants for future improvement of the training revolved around requests for more time for actual practice of the components. Those changes were incorporated into a future training.

1.13 Model Hiring

Objective: Delivery of Model Hiring training to non-judicial staff (those involved in the hiring process and those that are not involved). Even though some MCs currently utilize competitions in filling staff vacancies, they have processes that have contributed to both successful and unsuccessful hiring. Model Hiring training will introduce a comprehensive package of employment components that will be useful in all employee hiring, both before and after the adoption of Regulation 28 and the anticipated mandate for competitions.

Results/ Deliverables: [SAP 1.1.1.6; 2.1.2.1] The Model Hiring for Court Administrators program was so successful that the JDP received requests for an immediate reprise of the program for non-judicial staff. The original objective of Model Hiring was met in the second quarter with a presentation of revised training and a revised manual to forty administrative secretaries at the National Court Clerks Association annual meeting. The response to the training was enthusiastic and many expressed hope that their courts would adopt this hiring methodology. It remains a JDP goal to continue delivering the message of transparency, openness, and accountability, by planning to deliver the training in as many venues as possible. Sustainability efforts for the future will include development of a cadre of trainers able to deliver the Model Hiring curriculum under the auspices of the National Judicial Institute.

SPEAKING OUT:

The administrative secretary in Veliko Turnovo reported at the initial CIP meeting in November how much the Model Hiring material had benefited her. (It is significant that she would report on the value of the material and presentation seven months after the training.)

F. New Strategic Alliances

1.14 Regional Criminal Justice Initiative

Objective: Reengineering of the criminal case process in a specified “pilot” site by employing increasingly optimum procedures, relationships, and functioning of police, investigators, and prosecutors. Improvements can be obtained in effective working relationships between courts and these other law enforcement entities as well.

Results/ Deliverables: [SAP 1.1.1.6; 1.2.1.2; 1.3.1.2.; 1.3.3.2.] The law enforcement member of the RCJI staff arrived early in the third quarter. Early formative project work has not involved the JDP. The JDP assisted the RCJI with the law enforcement portion of the Congressional staff visit to Blagoevgrad (discussed in section 1.1, above). RCJI personnel attended the JDP CMS Conference (discussed in section 3.1, below). In the reporting quarter JDP staff met with representatives of ABA CEELI's criminal justice project, US DOJ, USAID, and the staff of the RCJI in an effort to begin actual coordination and collaboration. A follow-up meeting to discuss the IT access issues identified during that first meeting was scheduled for early in 2004.

1.15 Union of Judges in Bulgaria

Objective: Improved capacity and functioning of the Union (the judges' professional association in Bulgaria) will increase membership, improve services to members, and increase the power of the association, thereby making positive changes in the professionalism of judges. A complete transition of assistance from ABA/CEELI to the JDP is anticipated by the end of the fourth quarter.

Results/ Deliverables: [SAP 1.1.1.3; 1.1.1.4; 1.1.1.5; 1.1.3.2; 1.2.2.1; 1.2.3.1.] Although ABA/CEELI continued working with the Union of Judges in order to complete its funding commitments, the JDP began coordination of efforts with the UJB. During the third quarter the JDP met with ABA/CEELI and with representatives of the UJB. The conceptual plan was for JDP assistance to replace ABA CEELI assistance when the UJB funds provided by ABA CEELI were exhausted. The target date for completion of that funding was extended, so the commencement date for active JDP support of the UJB was similarly extended to 1 January 2004.

The JDP began actual work with the UJB early in the fourth quarter by assisting with organization, program, logistics, and funding for the annual meeting. That annual meeting was held on the 12th and 13th of December, 2003. in Plovdiv, Bulgaria. JDP staff attended the meeting and assisted with conference organization and presentations. At the meeting the Union members adopted a code of ethics for judges and elected a new Executive Managing Board. The JDP scheduled meetings with the new Board President and with the entire Board for early in 2004.

II. TRAINING

Introduction.

“Everyone thinks about changing the world but no one thinks about changing himself.” Leo Tolstoy

The establishment in 2003 of the National Justice Institute is a result of several years of arduous work by the JDP, USAID, and members of the Bulgarian judicial system including the Magistrates Training Center. By December 2003, the Supreme Judicial Council and Ministry of Justice had appointed their respective representatives to the NJI Board, the Supreme Judicial Council had approved NJI Regulations, the Ministry of Justice had designated a building for the NJI, and the Government of Bulgaria had allocated 2004 funds for the NJI's first operating budget. The activities related to the NJI send a strong message of commitment by the GOB to the citizens and to the international donor community.

The thrust of JDP training activities in 2003 was to further expand the number of “change agents,” increase the level of “know-how” with trainers, and build local capacity and sustainability. The efforts included identifying and training judges and clerks to be trainers; strengthening existing trainers' skills and knowledge; developing new programs, initiatives, and materials; refining programs; and introducing local training planning. The most significant achievement in 2003 towards training sustainability was the formal and legal establishment of the National Judicial Institute.

The long term training goals are that Bulgaria will value training as an integral part of the organization, will have the know-how to develop and deliver training programs, and will have the capacity to deliver the training with trained personnel and adequate resources. This necessitates the development of a cadre of individuals with specific knowledge, skills, and attitude. Providing knowledge and skills-based training is easier to accomplish than attitudinal change, but without attitudinal change, no new program will have long term sustainability. It is the change from a passive “I am not responsible” attitude to a proactive, problem-solving and accountable attitude that ensures sustainability.

The training methodology the JDP has used is to develop a small nucleus of “believers” (in the procedure, policy, philosophy, or training) who, in turn, act as change agents for their colleagues. The change agents build a critical mass of individuals who think and work in new ways. The power of the approach is magnified because colleagues are modeling for and mentoring their colleagues rather than outside consultants. The approach creates synergy within the organization itself and the process of self-improvement becomes an embedded organizational value. People begin to see that they are capable of making a difference in the organization, to believe that they have a duty to improve the organization, and to believe that the organization itself has an obligation to continuously improve the way work is conducted. This leads to the belief that their organization--the judicial system--plays a critical role in developing and maintaining a democratic form of government. This organizational value indicates an organization that will continually improve its workforce and its delivery of service to the public.

The implementation strategy is first, to expose judges and staff to new ideas and ways of working via international consultants, study visits, literature and materials, discussion groups, seminars and training events, and other activities. Second, the participants have an opportunity to reflect upon and synthesize their experiences, and identify ways in which the new ideas and ways of working can be applied to their organization. Third, the JDP provides an opportunity to test and pilot the new ideas in a safe and supportive environment. Fourth, after revisions and refinement, the new ideas and ways of working are implemented.

The results of this approach are on two levels. The easiest results are those that are tangible, such as new forms, new organization of workflow, and new ways of delivering customer service. A change of attitude is more difficult, but more significant and longer lasting.

In 2003 the JDP witnessed a number of significant successes in the manner in which our counterparts work, successes that reflect both a change in how work is conducted and a change in the way people think.

Before: Judges and clerks often did not talk to each (other than about the basic day-to-day activities) and did not come together to identify problems and generate solutions.

Now: Judges and clerks are working *together* to solve problems; attending training programs together and participating as trainers together. In Blagoevgrad and Gabrovo, judges and clerks form committees together to interview and hire new court employees. In Gotse Delchev, the clerks designed their own office regulations and discussed the regulations with the chairperson. The trainers who deliver Training of Trainers (“TOT”) work in a team work

model of clerks and judges. Various courts sent teams of both judges and clerks to the same training at the same time.

Before: Court clerks often viewed their jobs as meaningless and believed that they had no power.

Now: After extensive training and exposure to new ideas, many court clerks believe that the work they do is critical to society and understand that without them, judges cannot perform judicial functions well. This new sense of worth energizes the court clerks and empowers them to improve themselves and their courts. In Smolyan the courts take great pride in how they deliver customer service to the public. They wear name tags and practice new skills from Customer Service training. In Chepelare, the court clerks agreed to wear a similar style of clothing to improve their professional appearance, while Blagoevgrad courts purchased uniform-type clothing for all clerks. In Sofia, summons clerks are now working in much closer cooperation with the intake clerks to improve the summons process.

Before: Clerks did not have access to other clerks from other courts. Information was not shared between courts.

After: Training and trainers provide an opportunity for clerks from all over the country to learn from each other. The design of all of the training programs incorporates opportunities for small group discussion, problem-solving, and other interactive processes. The trainers often learn more than teach; more than anyone else in the system, the trainers hear from many clerks representing many courts. The trainers not only are exposed to ideas and problems from around the country but in turn expose the participants to what they have learned from different trainings. This synergy creates a network of individuals who understand and support each other and look for ways to improve the system.

These are but a few examples of the successes. Training, like organizational development, is a dynamic and life-long process. The key to the work of the JDP training component is to imbue the judicial system with both a value for human development and capacity building and the wherewithal to accomplish it.

A. Judicial Training:

Magistrates Training Center (MTC)/ National Judicial Institute (NJI)

2.1 Institutional Development

Objective: [SAP 1.2.3.1; 5.1.1; 5.1.2.] Assist with development of a government supported national entity for judicial training. Develop a Process Plan for transforming the MTC into the NJI. In addition to the Process Plan, suitable facilities--both appropriately designed and cost effective--must be located.

Results/ Deliverables: Established a state institution dedicated to magistrates and staff training.

Funding: The Government of Bulgaria has appropriated 2004 funding for the National Judicial Institute in the amount of 1,169,000 leva (approximately \$765,000 at January 2004 exchange rates). This achievement is directly related to a great deal of effort and hard work by a number of people. The JDP leadership worked closely with USAID to develop a funding strategy and to exert pressure on the Ministry of Justice, the Supreme Judicial Council and other judicial leaders to fund the National Judicial Institute. The JDP worked closely with MTC to develop various documents that supported the financial request to the SJC.

NJI Board: Although the JDP took a position of neutrality regarding specific nominations to the Board, the JDP actively pressured and lobbied for the Board to be appointed in a timely fashion. The JDP wrote a letter to MTC Board outlining various activities, dates for achievement including the Board appointments, and the consequences of not meeting the timelines. The JDP finally took the position that without Board appointments, continued funding from the JDP would not be available for the MTC. In November, JDP solicited assistance from USAID to encourage the appointments. USAID in meetings with the MOJ reiterated the need for timely appointments. By late November, both the SJC and the MOJ had appointed the full Board. That Board met in December and began work. The JDP met in December with both the MTC and the NJI Boards to clarify issues of technical and funding support for 2004.

NJI Regulations: The JDP researched and drafted a set of regulations that reflected regional and local values and presented the draft to a working group who discussed and modified the regulations. The JDP later attended several meetings with members of the SJC to discuss the rationale behind the proposed regulations. These discussions built support and developed advocacy for the regulations. Shortly before the regulations were to be presented to the SJC for approval, the JDP took part in a discussion involving representatives of the Council of Europe, members of NJI regulation drafting group, SJC members and MTC leadership in order to clarify any last minute concerns or issues. The NJI Regulations were approved in September 2003.

NJI Building: Securing a building for the NJI became one of the most complicated and complex issues faced by the JDP. The MTC and JDP examined several building options over the past two years. For a variety of reasons none of the buildings met the needs of the NJI. After a series of meetings, discussions, and research, a building located at 14 Ekzarh Yosif Street, Sofia was secured for the purposes of the NJI. The facilities are not yet ready for occupancy and require renovation. The JDP will work with NJI and USAID to prepare the building for occupancy.

Implementers Coordination: The JDP continued to participate in efforts to coordinate activities between judicial education implementers. The JDP worked closely with the British PHARE project's international consultants. The JDP met several times with different consultants to provide the consultants with a sound understanding of the work undertaken by the JDP, and the project's future plans and goals. In early 2004 a French PHARE project should begin work to build on the work of the JDP and finalize development of a six month training program for new judges. The JDP intends to develop with the French a working relationship similar to that with the British.

In early fourth quarter, implementers met at the British PHARE project offices. The Implementers shared their current work activities and discussed where coordination may be possible. USAID projects represented in addition to the JDP were CLRP, and ABA/CEELI; representatives from US DOJ also attended. Later, JDP met with CLRP to discuss coordination and cooperation efforts to develop a Commercial Law training program. A meeting with CLRP, USAID, JDP and NJI is scheduled for early 2004 to further discuss the issue.

2.2 Curriculum Development

Objective: [SAP 1.2.1.1; 1.2.1.2; 1.2.2.1; 1.2.2.2; 1.2.3.1; 5.1.3; 5.1.4; 5.2.5; 5.3.1.] Design and develop at least four new Continuing Judge Training courses; refine and expand existing New Judge Training courses; assist in developing final course outlines.

Results/ Deliverables: Additional New Judge Training course outlines refined and/or developed; four new courses for the Continuing Judge Training program piloted.

New Judge Orientation Training: Year 2003 witnessed a strong continuation of the New Judge Orientation program with substantial refinements in several modules. The judges who attended the World Learning US Study Tour Advanced TOT returned with new ideas on how to deliver the training and how to develop materials. The trainers focused on two areas: increasing participation and using case studies in the program. The judges incorporated their new ideas into the lessons plans and submitted them to the MTC. Overall, the New Judge Orientation experienced further content development and improved delivery. There were no new modules developed.

New Judge Training	Number of Courses in 2003	Number of Attendees
Level One	4	40
Level Two	6	68
Level Three	14	145

Continuing Judicial Training: Although Continuing Judicial training slowed in 2003 due to the major efforts of the MTC staff and JDP staff to transform the MTC into the NJI, new initiatives and pilot programs occurred. The major emphasis in 2003 reflected Bulgarians' need for more substantial knowledge in European Law. New programs such as "Court Practices of the European Committees", "Intellectual Property in the European Union," and "Judicial and Police Cooperation in Criminal and Civil Cases" formed the cornerstone of programs offered. Basic European Union law and programs on the European Convention of Human Rights and Basic Freedom continued to be offered as in previous years. The Dutch MATRA program offered a specialized TOT for the Human Rights program which will build local capacity to deliver the program in the future.

The MTC, working with the JDP and the US Department of Justice, provided training on "Combating Human Trafficking". This is a pilot program and will be further developed in 2004 and funded by NJI and DOJ. In the fourth quarter the JDP COP assisted in teaching one of these programs.

Judges and prosecutors participated in many of the MTC's Continuing Judicial Training programs. The chart below is a 'snapshot' of the courses offered in 2003.

Continuing Judge Training	Number of Courses in 2003	Number of Attendees
EU Law, Basic/Advanced	17	475
Human Rights	4	198
TOT for EU Law	6	61
Combating Human Trafficking	3	53
Children in Conflict w/ Law	2	48
Civil Procedure Round Table	1	34
Changes in the Criminal Code	2	64
Antidiscrimination	3	48
Introduction to Probation	2	32

2.3 Mentor Judge Program

Objective: [SAP 1.2.1.1; 1.2.2.1; 1.2.3.1.] Develop a mentor judge training program for newer and inexperienced judges.

Results/ Deliverables: A Mentor Judge Program outline developed.

The Mentor Judge Program is a new initiative launched by the JDP in 2003. The Bulgarian system for judicial appointments contributes to the need for a mentoring resource. New judges are appointed to the bench almost directly from university, and thus enter a highly responsible position with little or no legal or life experience. With the position of "judge" comes authority, power, responsibility, and the potential for leadership, all of which affect many lives and society at large. A structured and well-thought-out approach is needed to help judges become quickly knowledgeable in applying law, administrative and management functions, and judicial skills such as decision making and writing. A mentor judge program is an effective way to assist judges in becoming skilled and knowledgeable.

JDP staff researched different approaches to mentoring programs, established a working outline, organized supporting materials, and convened a small working group in 2003. This group actively discussed and further refined the program outline. Components of the program include selection criteria and training for mentor judges, an orientation program for all new judges as to the purpose and goals of the program, and specific areas to be addressed during the mentoring process. In addition, the structure and organization of the program include management of the program by the National Justice Institute.

At the end of 2003, the JDP established a larger working group of influential judges and a representative of the NJI. Their mandate is to develop the full content and the process for implementation of the mentor judge program.

2.4 U.S. and European Study Tours

Objective: [SAP 1.2.1.2; 2.1.3.2.] Advance judge and staff training by the use of US and European Study Tour programs in the following areas: court administration; court related associations management training; and training skills and knowledge.

Results/ Deliverables: Eighteen Bulgarian decision makers and court leaders expanded their knowledge base of specific court areas and training techniques through participating in US or European Study Tours.

Advanced TOT: The Advanced TOT study tour comprised four judges and four court clerks. The JDP worked closely with World Learning to develop an appropriate program. Lessons learned from previous programs were incorporated into this year's program resulting in a stronger and content richer program. Before departure, the participants received the book Fish, by Stephen C. Lundin, Ph.D. This innovative book stresses the importance of a positive attitude in the workplace and the benefits of teamwork and customer service. The organizers at the National Judicial College opened the Advanced TOT program with a film based on the Fish book and discussed the implications of the book and film to training. The incorporation of the book and the film into the Advanced TOT program reinforced the JDP's efforts to instill a positive attitude in the work place and to deliver quality customer service.

Upon their return in September, the participants began to implement new ways of training based on their experiences at the National Judicial College. The trainers selected to participate in the Advanced TOT program train in specific topic areas such as Time and Stress Management, New Judge Orientation, etc. Each one of these trainers either updated course curricula upon returning or will do so in early 2004. All of the participants immediately shared their new materials and ideas with their training colleagues, and the JDP distributed TOT materials received at the National Judicial College and other selected materials to all TOT trainers.

SUCCESS STORY:

As a result of the Advanced TOT program, the lead judges in the New Judge Orientation, Level 3, Civil, improved their method of training by incorporating new techniques that solicit participant interaction and by adding more case studies and hypotheticals. These changes improve the program by enhancing the possibility of knowledge transfer and application.

All of the TOT trainers met at the end of the fourth quarter to evaluate the TOT programs. This evaluation included re-examining the philosophy, the methodology of training, and the materials. This process energized the trainers and improved the overall program.

SPEAKING OUT:

When asked if the trainers had used anything from the Fish book in their training programs, one judge responded that her incorporation of more participant activities in the training was related to the book's message about "having fun in the workplace".

Judicial Ethics Study Tour: The JDP staff working with the staff of World Learning finalized the content of the Judicial Ethics program, selected participants, and reviewed and selected

training sites. Two different European models were selected: Austria and Spain. The Austrian model represents a model with a special chamber of the court designated to hear complaints. The General Council of the Judiciary (similar to the Bulgarian Supreme Judicial Council) handles the Spanish judicial complaints. The World Learning participants will have an opportunity to discuss both models and select the best of both models to assist them in developing a better Bulgarian Judicial Discipline process. The program is scheduled to take place in mid-March 2004.

New Board Training: Four significant judicial organizations, each representing major players in judicial development and reform, elected new board members in late 2003 or will do so in early 2004: the Supreme Judicial Council, Union of Judges, National Court Clerks Association, and the National Judicial Institute. Strengthening their capacity to make sound decisions, develop strategic plans, and address the needs of their constituencies will contribute to their ability to be leaders and positive “change agents” in the judicial system. Through discussions and meetings in 2003, the JDP and World Learning staffs have developed and finalized the content for Board Training for these organizations. This program will be offered in Bulgaria potentially three different times. The first training program will be offered in March 2004 and will address issues facing the Union of Judges and the National Court Clerks Association such as membership services, internal rules, decision-making models, and planning. The second audience to be addressed will be either the Supreme Judicial Council and/or the new board of the National Judicial Institute. The final programs and delivery dates for the SJC and NJI will be decided in early 2004. (Initially the plan was to deliver the board training in the fourth quarter of 2003, but the decision of the NCCA to delay election of its new board until February postponed the training.)

Case Delay Reduction: See above section 1.11, Court Administration: US Study Tour for Case Delay Reduction.

B. Court Staff Training/ Court Administration

2.5 New Programs

Objective: [SAP 2.1.1.3; 2.1.2.5; 2.1.3.2; 5.2.3.] Develop new training for non-judicial court staff in the areas of: Summons Clerks Functions and Responsibilities; Orientation for New Clerks; and Changes to Regulation 28.

Results/ Deliverables: Three new programs delivered including trainers and materials; more productive clerks; capacity to deliver the programs again. Because Regulation 28 has not been signed into law, a court administrator training program could not be offered. Model Hiring Practices training was developed and delivered. (see Court Administration)

Orientation for New Clerks: This training program is based on the New Clerk Orientation manual distributed to all courts throughout Bulgaria in the 4th quarter. New Clerk Orientation trainers delivered the program in Stara Zagora and Gabrovo and a total of 34 staff attended the training. The programs offer an overall view of the Bulgarian Judicial System that provides a context for all new employees. After that system overview, the program moves gradually to examining the functions of the individual departments within a court and individual responsibilities. The training materials contain an extensive glossary of legal terms

defined in every day language, the Code of Conduct for Clerks, and a flow chart of how a case moves throughout the court. The materials are offered on a CD; this allows individual courts to personalize the materials and training by adding names of the court chairperson and key staff members, court resource numbers, and addresses.

The New Clerk Orientation training represents a move from centrally located training programs to local training offered by local court trainers to local court staff. This method strengthens training sustainability and continues to build local capacity.

Several courts reported that although they have only one or two new employees yearly, they used the New Clerk Orientation Manual and Training materials informally when a new employee was hired. The NCCA discussed using the Orientation Manual to train lawyers and will work with the USAID APDI for effective training for new lawyers.

Due to court scheduling difficulties, Sofia Regional Court postponed the New Clerk Orientation training from the fourth quarter to January 23, 2004. Trainers from Sofia Regional Court will train. Three more New Clerk Orientation programs are scheduled for the first six months in 2004.

SUCCESS STORY:

Blagoevgrad courts saw additional value in the Orientation Manual that went beyond the court clerks and distributed the manual to journalists. The journalists reported that the information helped them to understand the court system better.

Summons Clerks Training: Forty-four court clerks representing six different courts attended Summons Clerk Trainings, one of the new courses developed in 2003. The program focused on problems facing summons clerks and possible solutions. The core of the content is based on the Summons Manual developed by the JDP. (See above section 1.4, Court Administration.) The JDP staff and a senior summons clerk from Sofia City Court developed and delivered the program. After the first training program and after review of the evaluations and discussions with participants and trainers, the second program expanded to include both summons clerks and intake clerks. This inclusion reflected the need for better coordination and teamwork between the two groups. The second program's high degree of success can be attributed to the refinement of the materials and the inclusion of the intake clerks. The program will be offered three more times in the first six months of 2004.

Supreme Judicial Council sponsored Accounting Training: The JDP sponsored a two day program offered twice by the Supreme Judicial Council concerning accounting issues and problems in the courts. There were over 125 participants at each training, consisting of court chairpersons, accountants, and administrative secretaries. The JDP and MTC addressed the audiences outlining their functions, responsibilities and activities. (See above section 1.7, Court Administration.)

2.6 Continuation Training

Objective: [SAP 2.1.1.1; 2.1.3.2; 5.2.3; 5.2.5.] Continue to develop new courses, new trainers, and new course materials for court staff training.

Results/ Deliverables: Ten separate courses delivered (most delivered more than once); materials developed and trainers capable of delivering the programs; overall improved delivery of service to the public.

During 2003, court clerks participated in ten separate training programs. Nearly 1,000 clerks attended programs that covered, in total, eighty five days of training. These numbers are in addition to all computer training activities and MTC training activities. Five of the ten separate training programs offered were new in 2003: Rights and Obligations, New Clerk Orientation, Model Hiring Procedures, Code of Conduct (through the NCCA), and Summons Process Training. All of the programs include materials developed by Bulgarian court trainers with assistance from the JDP. Court Clerk Trainers and JDP staff delivered the new programs. All of the programs are self-sustainable with trainers and materials.

All participants in all of the training programs are encouraged to share their materials and what they learned with their supervisors, chairpersons, and colleagues. Several courts established “training libraries” where all copies of materials are available for reading. Most training participants report that they actively share the materials and often provide “mini training” sessions with their colleagues. These activities promote transfer of knowledge and increase the awareness of new ideas and new ways of conducting court business.

Secretaries' Grammar Course: Courtroom secretaries are required to create “protocols” (a written record) of the court proceedings as they occur. The secretaries need to have good writing and grammar skills. This training program provides a review of grammar rules and provides an opportunity for the secretaries to have their written work critiqued and evaluated. The program is highly practical and makes use of actual secretary protocols. The Grammar Trainers, one of whom attended the US Advanced TOT Study Tour, will begin evaluating and improving the program in January 2004. Ninety court secretaries participated in the four grammar programs offered in 2003. Two Grammar programs are scheduled for the first six months of 2004.

SUCCESS STORY:

In Veliko Turnovo, the Chairperson reviewed the grammar materials and discussed the program with the trainers from his court. As a result of his review and discussion, he set up grammar training for all of the regional court secretaries and the Veliko Turnovo participants delivered the training. The court took all responsibility for the organization and funding of the program.

SPEAKING OUT:

*“I am happy with the JDP's Grammar Program. It helps me in my work. I have learned a few refinements of grammar and I will try to develop them and transfer them to more of my colleagues in my way but I will be guided by the experience gained at the seminars.”
Gabrovo District Court*

SPEAKING OUT:

Numerous court secretaries have remarked that their written protocols have improved as a result of the course.

Customer Service: Perhaps no other course currently being offered has more direct impact than the Customer Service program. This program introduced new ways to work with the

“customer” through a highly interactive and practical format. Customers are identified both as external customers (such as attorneys and citizens) and as internal customers (such as colleagues and judges). The idea that “customers” are also internal colleagues has led to improved teamwork and collegiality within the courts. Customer Service training recognized the need to deliver special service to disadvantaged people. The trainers are very competent court clerks from several courts throughout Bulgaria who offer not only new content but who model what they train in their home courts. Throughout the Model Courts there is evidence of the impact of this course. Court clerks use techniques to defuse anger, to calm distraught customers, and to manage information more effectively. Court clerks wear name badges so that the customers can identify the person with whom they are speaking. In some courts, clerks agreed to wear a similar “uniform;” customers perceived a higher level of professionalism and clerks increased their self-esteem. Courts reorganized their office hours to accommodate customers during the lunch hour.

In 2003, 185 court clerks participated in the Customer Service training. Three Customer Service training programs are scheduled to be offered in the first six months of 2004.

SUCCESS STORY:

Smolyan Regional court experienced a “repeat” customer who yelled and screamed at the clerks. After taking the Customer Service course, the clerks began wearing name tags in order to provide all customers with a “face and name” thus creating better rapport. When the “repeat” customer appeared again, the clerk who assisted him was Galia. She practiced what she had learned: greeting him warmly, keeping her voice soft and low, and providing him with the information quickly. He continues to return to the court, now asks specifically for Galia by name, and has stopped yelling and screaming. All of the clerks acknowledge that this is a success story for everyone in the court.

Team Building: The Team Building program, offered five times in 2003, addressed 107 clerks and twelve judges from over fifteen courts. As other programs, the content of the Team Building program undergoes constant updating and refinement. The refinements to the Team Building program during 2003 included changing the audience from a group of judges and clerks from different courts to trainees consisting of only members of one court. This new approach expedites actual “team building” because everyone from the same court hears and practices the skills at the same time. In addition, specific court problems are aired and strategies for dealing with them can be discussed immediately. This approach proved to be so successful that all of the CIP's requesting Team Building will receive the program on site.

Other training programs will continue to be delivered regionally. The regional approach encourages sharing and problem-solving with people from different court and spreads the “good practices” throughout the country.

The program is scheduled to be offered seven times in the first six months of the 2004.

SUCCESS STORY:

“After returning to our work places all clerks expressed their contentment with the seminar and because of this I decided to send you their opinions. Apart from the knowledge the training provided us with, it helped us look around and see ourselves, share our problems, discuss our mistakes, good decisions and practices. One could clearly notice the enthusiasm, and in the following days new, different ideas were offered for improving the work process.” Blagoevgrad District Court

Time and Stress Management Training: Fifty-five court clerks attended Time and Stress Management trainings in 2003. The training programs offered information to participants on how to identify time wasting practices and causes of stress. The trainers then presented practical everyday techniques on how to manage time more efficiently and how to reduce stress. One of the overriding themes addressed in the training is that work productivity, work quality, and personal life style are all negatively impacted if these issues are not dealt with constructively.

As with all training programs, Time and Stress Management will undergo an evaluation by the trainers and JDP staff, and refinements will be made based on the evaluations. Two Time and Stress Management programs are schedule for the first six months of 2004.

SPEAKING OUT:

“I told my colleagues about what I learned at the Stress seminar. Now we can jointly fight stress and overcome its negative influence on our mood, appearance, relationships and health.”

Supervisors/Managers: Chairpersons and administrative secretaries of the new Courts in Partnership participated in a Supervisors/Managers program. The structure of the program was in two levels. The first level provided basic understanding of the principles and concepts underlying good supervision and management of courts. The second level developed and expanded the principles and concepts using more practical exercises and activities. Course topics included delegating, motivating, and evaluating employees, and organizing work groups.

In their program evaluations the participants indicated additional topics that they would like discussed at a new third level. This new program is scheduled for February 2004. In addition to their program evaluations, the JDP Judicial Training Specialist spoke individually with all of the chairpersons to informally ascertain if they were “conducting business differently” as a result of attending the program.

SUCCESS STORY:

The Gotse Delchev chairperson returned to her court after the Supervisor/Managers training and met with the court staff. She discussed with them the need for them to develop their own internal working protocols. These protocols reflect their solutions to problem they face daily. The chairperson reviewed the protocols, shared them with the judges and assisted the court clerks in implementing the new procedures.

Rights and Obligations (Labor): Court clerks and secretaries representing one hundred and seven courts participated in a new training program designed to inform the audience about their rights and obligations under the law. The program delivered by two judges and one JDP

staff attorney addressed, among other topics, the court clerks' attestation requirement and procedure. A member of the Supreme Judicial Council staff assisted the trainers during this part of the presentation.

After review of the program and from feedback from the presenters and audience members, a similar program for supervisors will be developed and delivered in 2004.

Code of Conduct: The National Court Clerks Association conducted all six of the Code of Conduct training programs. The NCCA received financial support from Open Society through a grant. The JDP anticipated funding the programs but because of the grant did not do so. The JDP did provide direct technical assistance to the NCCA regarding program content and delivery.

Change Management: All judges and employees of nine new Courts in Partnership received one half-day training in Change Management in the fourth quarter of 2004. The two trainers provided the participants with information and techniques that will enable them to cope with and to embrace the self-initiated changes that their courts will experience through the CIP program. The beginning of the program required that the participants generate their own vision of their ideal court in 2009. Consistent general themes emerged from the courts: improved customer service (including information centers), additional forms and brochures; higher salaries for judges and court staff; maximum and appropriate usage of technology; and reduced caseloads. The trainers used the information to begin a discussion about organizational change and how to positively respond to change. In several courts, participants indicated that although pressure to change came from society, EU accession requirements, legislation, and other sources, the most important initiators of change should come from the courts themselves. This response expressed self-awareness and a proactive attitude that supports their responsibility to improve the courts.

At the end of the program, the trainers distributed three copies of the book Fish by Stephen C. Lundin, Ph.D., one each to the chairperson, administrative secretary, and either another judge or court clerk. The messages in the book are: (a) An individual's attitude at work is a matter of choice; (b) Developing a customer service approach to work increases the chances of successes; and (c) Team work and the sense of camaraderie increase motivation and improve service delivered to the customer. This book's messages are incorporated into various training programs and meetings sponsored by the JDP. Model Court chairpersons and all of the court clerk trainers earlier received the book and many are discussing the messages. The Team Building trainers also incorporated the messages and excerpts from the book into their training.

SUCCESS STORY:

One of the court trainers (who believes strongly in the Fish book's message), was having difficulty with a clerk who spoke negatively about her job and the National Court Clerks Association. The clerk did not like her work and viewed the NCCA as a useless organization. The trainer entered into discussions with the clerk about how individuals have the right to make their own choice about what type of work attitude they would like to bring to the workplace. The trainer shared the Fish book with her. After several discussions, the clerk now wants to be a member of the National Court Clerks Association and has become a more positive member of the court team.

2.7 Court Managers Program

Objective: [SAP 1.1.1.6; 2.1.1.3; 2.1.3.2.] Develop and deliver a series of courses that focus on empowering local teams to plan, problem solve, and identify creative solutions to court administrative and management problems. Courses should include: examining how effective teams are formed, and specifically court management teams; the principles of case flow management; and strategic planning, including the purpose, methodology and techniques for follow-up and monitoring a plan.

Deliverables Partially Achieved: The concept behind the Court Manager Training program was developed in the advent that the adoption of the new proposed rules of court administration (Regulation 28) remains significantly delayed. Periodically throughout 2003 there were indications that Regulation 28 would be passed. This possibility delayed the implementation of the training program. However, many court administrators and managers took part in various programs related to court management such as Supervisor Training, Team Building, and Principles of Case Flow.

JDP staff developed five course outlines that are applicable for the Court Manager Training program, identified potential presenters for several of the modules, and designed a delivery process. (See section 1.3, Court Administration, above)

2.8 National Association of Clerks Annual Conference

Objective: [SAP 1.1.1.6; 2.1.1.1; 2.1.1.3; 2.13.2.] Assist with planning, organization, and movement toward financial sustainability for the annual National Association of Court Clerks' conference.

Results/ Deliverables: A training conference with 150 attendees; better informed clerks.

National Court Clerks Training Conference: Eighty seven different courts were represented in the ninety five participants who attended the National Court Clerks Training conference conducted in June of 2003. The training conference opened with a general session and moved to three separate training tracks. In 2003 the programs conducted were Training for Trainers for New Clerk Orientation, two programs on Time Management and Stress Reduction, Remedial Grammar, and Summons Clerks Training. All programs were organized and delivered by court clerk trainers. The NCCA took responsibility for the logistical support and printing of all materials, indicating a growing self-reliance.

SUCCESS STORY:

The NCCA applied for and was awarded a grant from Open Society to deliver six regional training programs on how to combat corrupt practices in the clerks' office. JDP assisted the NCCA in designing the training program, critiqued the first training, and offered overall technical assistance to the program content and delivery. The program exceeded the expectations of Open Society. The real success story is that the NCCA is a competent organization able to generate revenue and moving towards full self-sustainability.

Clerks Annual Business Meeting: The meeting was rescheduled for February 21, 2004 at the request of the NCCA Board. The by-laws of the NCCA require an election of board members to be held in February.

2.9 Local Training Plans

Objective: [SAP 2.1.1.1; 2.1.1.3; 2.1.2.5; 2.1.3.2.] Develop with the MCs and the CIPs a local training plan that utilizes local clerk trainers and addresses training needs identified by the court. The courts will be responsible for implementing the plan; the JDP will assist in any way that is appropriate.

Results/ Deliverables: Local Training Plan template and resource materials developed and distributed to all Model and CIP courts. In some courts, “Trainer Coordinators” identified and local training occurred.

All Model Courts and all Courts in Partnership received the Training Plan Template, Trainer Recourse List, Trainer's Credo, Training Catalogue, and Training Calendar in 2003. These documents are tools for the courts to identify, organize and deliver training programs, thus building local capacity and promoting the concept of a “learning organization”. All trainers received a complete compendium of the training curriculum including trainers' guides, participant's guide, materials, exercises and activities that enable them to deliver programs locally, regionally, and at a national level. The JDP Judicial Training Specialist met with all of the CIP chairpersons individually (except for one) to discuss the training plan, the training programs, and the court trainers.

2.10 Training Of Trainers (TOT)

Objective: [SAP 1.2.1.2; 2.1.1.1; 2.1.1.3; 2.1.3.2.] Use highly skilled and trained clerks and judges (see also Judicial Training) to deliver Basic and Advanced TOT training programs throughout the year.

Results/ Deliverables: Twenty clerks attended Basic TOT and twenty five clerks attended Advanced TOT. In addition four clerks attended Advanced TOT through World Learning US Study Tour.

The training programs for court staff took a major jump in 2003 through additional program development, delivery of existing programs, and the addition of new court clerk trainers. Skilled and knowledgeable trainers are the backbone of a solid court training program. These trainers ensure the quality delivery of programs, the continued refinement of curriculum, and the development of new curriculum. All trainers are Change Agents within the judicial system. Not only do they train in a specific content but they also model for others new approaches and new thinking applicable to how courts are managed. In addition, those court clerks who achieve the highest level of competency become Master Trainers. Master Trainers are responsible for training other clerks and judges to become trainers, and thereby contribute to the sustainability of the training program.

During 2003, many of the court trainers met to participate in a professional development program sponsored by the JDP and organized and delivered by the trainers themselves. This

first-ever Trainers' Retreat brought together over 40 court clerks and one judge to discuss issues facing them as trainers, various training methodologies, and to share experiences and successes. The end result was a more cohesive group of dedicated trainers who gained additional skills in the training.

SUCCESS STORY:

In December of 2003, two judge trainers for Training of Trainers were invited to train Uzbek judges on adult learning theory and application. This invitation indicates the high level of professional training skills possessed by the Trainer of Trainers. (See section 2.1, National Judicial Institute, above.)

SUCCESS STORY:

In 2003 the Chairperson of Stara Zagora Regional Court delegated most of the court training responsibilities including nominating staff for training events, reviewing course offerings, organizing logistics, and distributing training materials to the Time and Stress Management trainer from his region. This delegation came after he witnessed her training and became aware of her capabilities and interest through various training programs including her invitation to attend the US Study Tour Advanced TOT.

In 2003 twenty clerks and eight judges attended Basic TOT; twenty nine clerks and nineteen judges attended Advanced TOT (including four clerks and four judges through a World Learning Study Tour).

III. AUTOMATION.

As initially conceived, the automation component of the JDP was an element of court administration. Automation assistance to Bulgarian courts has become so necessary, both in reality and as a symbol of progress, that the automation efforts of the JDP have far exceeded the initial scope and continue to be a major target of JDP efforts.

A. Electronic Case Management System (“CMS”)

The CMS was first used as an operational system in a court in February 2002; that court implemented the system with only partial use by court personnel. Full court use of the system began in September 2002, and by the end of that year, the system was installed in seven Model Pilot Courts. Court personnel had received from the JDP or its contractors, basic computer skills training and CMS training. In some courts, the training was extended to attempt to insure an adequate set of basic computer skills for staff; in one training, JDP staff learned that the clerks did not know how to type.

The CMS was developed with the intent to transfer use and development rights to the GOB. In the first quarter of 2003 the SJC requested transfer in order to permit use of the CMS program specifications in a tender dossier for PHARE funds. During the second quarter, the JDP engaged in discussions and prepared draft agreements for conveyance to the GOB of rights to the CMS. Final donation of irrevocable rights to use the software occurred in the third quarter.

During the fourth quarter, the JDP focused on CMS installation and training in three Partner Courts. The training and user acceptance of the software was very successful. By the end of the fourth quarter one of the courts was entering open cases for the current year in order to build their case database, and all three courts are expected to be using the system in full beginning in January 2004.

The JDP also saw the need to install the CMS in courts outside the Model/Partner Court programs. The JDP selected the Smolyan District for a pilot project in automating an entire District. Use of the CMS in all courts would enable that District to pass cases between courts, and the caseload statistics analysis for all courts to be performed via the CMS, rather than only for select courts. Working closely with employees in the Smolyan courts, the JDP provided minimal hardware to three Regional Courts in that district, and facilitated training and support given by experienced court staff. The courts are expected to be fully online by March of 2004; this will create the first automated court District in Bulgaria.

3.1 CMS Product Improvement.

Objective: [SAP 1.3.1.1; 1.3.1.2; 1.3.1.3; 1.3.3.1.] Continue to refine and improve the CMS templates, including report generating capabilities.

Results/ Deliverables: During the reporting quarter, the appellate template was completed and installed at the Sofia Appellate Court.

Refining Templates: Analysis to develop templates for the Supreme Court levels was performed during the first quarter of 2003, the template for the Supreme Administrative Court was developed in the second quarter, and CMS installed at the court at that time. This instance of the CMS will be made compatible with the SAC Lotus-based CMS in a future release of the CMS, and will demonstrate the flexibility of the software's compatibility. Templates will be developed for the remaining courts at the Supreme Court level when the CMS is installed at those courts.

Web Access: During the second quarter, the JDP contracted with Latona Development to create internet based access (Web Access) to the CMS. The modification was completed and installed for beta testing in four courts early in the third quarter. The enhancement will provide access and transparency to court records, a potential revenue source for on-going funding of court internet access, and will add a significant access option for attorneys, law enforcement agencies, and the general public. An additional feature of Web Access was implemented to allow display-only capability of the court calendar. This will provide to the public a listing of scheduled cases without having to visit the court.

Bankruptcy cases: During the second quarter, the Project made changes in the CMS to allow processing of Bankruptcy cases. Courts in Blagoevgrad and Smolyan began entering bankruptcy cases in the CMS. During the fourth quarter the JDP began working with bankruptcy case processing software developed by a local developer. This work was to complete a task begun by ABA-CEELI to pilot bankruptcy case software in the Sofia District Court. The JDP will upgrade the software to reflect new changes in the law and will be piloted for use in the court in the first quarter of 2004.

Statistical Reports: During the third quarter, the Project modified the District Court template to correct the yearly statistics reports required by the MOJ. During the fourth quarter, the JDP contracted with the developer to create an easy-to-use report generator tool, allowing the courts to generate the yearly report and also to modify that report with minimum development efforts. This tool will allow the courts to create custom reports and will support better management of court operations. It will be available in the first quarter of 2004.

Conviction Certificates: The design requirements drafted by the JDP in the third quarter were incorporated during the fourth quarter into a contract with the developer to add capability to process Conviction Certificates. This will allow access to conviction records both from conviction records generated by the CMS and historical conviction records which have been manually entered into the conviction database. This will be implemented in the first quarter of 2004, with continued planning for importing data from obsolete systems and connection to other conviction certificate databases. When implemented by all courts, a nation-wide, searchable conviction record database will be achieved.

Training: During 2003, the JDP analyzed the training methodology used by CMS trainers, and developed manuals specifically designed for clerks and judges at the regional and district court levels. The CMS training methodology was further changed to have trainers from the Model Courts train their partner courts, and to have larger scale training accomplished through outside resources. With the development of internet access added to the software, the CMS was installed in new CIPs and court users were trained in the fourth quarter using both methodologies.

CMS Conference: The JDP organized, hosted, and presented a one-day conference for existing and potential CMS users. The conference was held at the facilities of the American University in Blagoevgrad and included demonstrations and discussions about internet access to court files, development of web sites, transfer of cases between courts, and advantages of the CMS. The conference was extremely successful at raising the level of knowledge and the level of court enthusiasm for using the CMS. The JDP will plan for a second CMS stakeholders conference in 2004.

MAKING NEWS:

During the conference, the chairperson of one of the courts actively using the CMS participated in a live radio interview which was heard over Bulgarian Public Radio by an audience of three million people in Bulgaria.

SUCCESS STORY:

The CMS Conference presentations were created and executed by court staff instead of by the JDP. This shows that the courts are becoming less dependent upon direct JDP IT support. The presentations generated a great deal of interest from Bulgarian courts that have been using other automated systems and whose staff have higher levels of IT skills. The JDP will address installing the CMS in these courts on a case-by-case basis as time permits.

SUCCESS STORY:

Mariana Tunteva, System Administrator at Blagoevgrad Regional Court, developed a CMS enhancement to support the Enforcement of Judgments Office. The enforcement judge and the clerks now have clearly defined roles in the CMS system. For an enforcement of judgment case, they may create and edit documents for bringing a case, view proceedings in a case, request a certificate by the Enforcement Office, view an appellate request, and view supporting documents.

Testing: The JDP developed a comprehensive unit testing plan to test case movement between court levels, and identify additional problems or needs to change.

Analysis: In the Automation Assessment for the courts, the JDP included a brief analysis of the CMS. This analysis also provided a valuable comparison of other CMS products used by the Bulgarian courts, and helped in the design of several new features to be added to the CMS during 2003.

Long Term Development: The JDP began discussions with the software developer regarding long term software development strategies. Since any computer software has the potential to be improved with the addition of future technologies, the JDP will continue discussions of long term options.

MAKING NEWS:

The significance of the CMS for the court system and the successes of the CMS were the subjects of two separate published articles in 2003. The material for the articles came from interviews with court personnel and JDP staff. The articles appeared in the April 26, 2003, issue of "Computer World," and the October 19, 2003, issue of "Dnevnik". Both are weekly newspapers distributed throughout Bulgaria which reach a combined circulation audience of approximately 14,000.

3.2 CMS Users Group and Help Desk

Objective: [SAP 1.3.1.2; 1.3.1.3; 1.3.3.3.] Develop a Bulletin Board System ("BBS") to support Users Group activities; design the operational and functional aspects of a Help Desk and provide the model to MOJ as part of the national CMS rollout plan. Continued support of the Help Desk should come from the National IT Department (see 3.14 below).

Results/ Deliverables:

Help desk: The JDP is currently providing "help" functions (i.e., responding to user needs, problems, and questions) with assistance from Latona Development, and another local sub-contractor, Computer Team. In order to support successful operations of the CMS, the JDP began analysis needed to create a Help Desk department. The Help Desk development effort will be implemented in partnership with the MOJ. The Project will foster the creation of this department by creating a CMS User Group. The first meeting of this group will be held in the first quarter of 2004. In order to launch the User Group more successfully, the JDP held the first User Conference for users of the CMS and completed development for a nation wide accessible Bulletin Board System for providing user support.

3.3 Possible Simplified CMS

Objective: [SAP 1.3.1.2; 1.3.1.3; 1.3.3.3.] Complete an analysis of the technical and operational issues arising from a simplified case management system. If the analysis shows ultimate functional and cost-effectiveness benefits, complete software changes for a simplified system.

Results/ Deliverables: The design of the changes, originally scheduled for completion in the second quarter, were planned for the fourth quarter of 2003. Increased user acceptance and enthusiasm for the internet access version of the CMS has decreased the need for a simplified version of the CMS and the JDP has placed a “hold” on further efforts to develop a second version of the CMS.

3.4. Planning for nationwide installation of CMS

Objective: [SAP 1.3.1.2; 1.3.1.3.] Assist the MOJ in developing plans to install and run the CMS in both fully automated courts and partially automated courts.

Results/ Deliverables:

Planning the rollout of the CMS to other courts: During the first quarter, the JDP drafted a plan for nationwide implementation of the CMS. The JDP is planning to oversee installation and training in the Model Courts and Courts In Partnership, but the nationwide planning guide will allow the MOJ and/or other donor agency to implement the plan in the future. The JDP is in the process of updating the rollout plan, based upon knowledge gained from new installations and work in the courts. This updated plan will be distributed in the first quarter of 2004.

To expand CMS use, the JDP trained CMS trainers and increased software installation efforts, using trainers from model courts and professional trainers from the Bulgarian Academy of Science. In the fourth quarter, the JDP also met with the Secretary General of the MOJ to discuss national use of only one software for the courts--the CMS. It was unfortunately apparent that the dispute between the MOJ and the SJC over court software was not yet resolved. Also in the fourth quarter, the SJC again issued a decision approving the CMS as the only case management software for the Bulgarian courts.

Donated software: In order to obtain full use of a potential ten million Euro of PHARE funds, the SJC requested legal rights to the CMS software. Discussions began in the first quarter with the MOJ and the SJC concerning the value and form of CMS ownership by the GOB. Late in the second quarter, the decision of the form of rights was made, and the JDP continued discussions with the SJC concerning the terms of a license donation. Early in the third quarter, a brief donation ceremony was held with Minister of Justice Anton Stankov, signing in his capacity as the chair of the SJC, the Head of the USAID mission in Bulgaria, Debra McFarland, and the JDP COP. That signing accomplished a transfer of an irrevocable license to use and modify the CMS from EWMII to the SJC. It will permit inclusion of the CMS in PHARE projects as a government owned asset.

CMS system hardware. During the fourth quarter the JDP began planning implementation and support for hardware to serve as a repository for CMS cases for courts using the software. The plan encompasses hosting a web server for court websites and web portal, and a Web Access server for access to case information by the public. Procurement and

configuration of the server was performed in the fourth quarter, and installation and testing of the server will begin in the first quarter of 2004.

B. Model Pilot Courts and Courts In Partnership

3.5 Operations and systems in Model Courts.

Objective: [SAP 1.3.1.2.] Complete application of the plan to install CMS software, and provide CMS user training for the remaining MPCs. Be prepared to support the application when the courts are ready to use the software in production. Create a disaster backup and recovery strategy for the servers in the courts.

Results/ Deliverables: Currently the CMS is installed and 100% operational in four courts: Smolyan Regional and District, and Blagoevgrad Regional and District courts. The software is installed and partially operational in two additional courts: Gotse Delchev and Chepelare Regional courts, and 100% use is expected in January 2004. Select users from Zlatograd, Madan, and Devin Regional courts have been trained to enable CMS use on a limited basis. CMS has been installed and training delivered to Kurdzhali District Court, Sofia Appellate Court, Gabrovo Regional and District courts, and the Sofia District Court. Additional efforts will be made in the first quarter to bring these courts online, through additional training requested by the courts.

User training and user confidence are keys to user acceptance of automation, and this is supported by comprehensive training plans for training users and court System Administrators (see section 3.9, below).

During the second quarter, installation was completed at the Supreme Administrative Court, and while this is not a model court, it will allow for transferring administrative type cases from courts where the CMS is installed. During the third quarter, the groundwork for new installations was laid. This groundwork included reviewing the IT Operations in all the Model and Partner Courts (CIPs) (see sections 3.7, 3.8, below). These courts include Partner Courts Chepelare RC, Gotse Delchev RC, and Kurdzhali DC, and two Model Courts (Sofia DC and Sofia RC). As the JDP adds Partner courts, IT hardware and software and CMS installations will be added. Model Courts wishing to use the CMS will be trained in its use. Other automation issues will be addressed as needed.

SUCCESS STORY:

The clerks at the Smolyan District court are using the computer to design letters and additional forms, to standardize the outgoing and incoming documents and reduce time and cost of the document preparation. In addition to improved document flow, it projects a more professional, customer-friendly image of the court

SPEAKING OUT:

“All workplaces have been automated and the documents which are in electronic format could advance quickly from one instance to the other. In the process of work we encounter difficulties due to the unanticipated procedures or documents in the developed program, which are added or corrected in the process. Exactly this is the advantage - the possibilities for change and reflecting the dynamics of judicial procedures.” Evelina Zlatarska, System Administrator, Blagoevgrad District Court

3.6 Further automation needs of MCs.

Objective: [SAP 1.3.1.3; 1.3.3.3.] Use the results of the Operational Analysis task to fully determine the new hardware needs of the MCs. Determine which components are necessary and work with the MOJ and other donor agencies to purchase IT components.

Results/ Deliverables: To further meet the IT strategy needs of the courts, the JDP developed a template for performing an IT Operational Analysis for the courts. The JDP began implementing this analysis for the Model Courts in the second quarter of 2003, completing four of the eleven Model Courts. The remaining model courts were completed in the third quarter, as were three of the four newly added partner courts. As part of the Operational Analysis, in the fourth quarter, the JDP completed the purchase and installation of new equipment needed by those courts to handle current automation needs.

In anticipation of working with Sofia Regional Court/Criminal division as a CIP, the JDP assisted the court by providing wiring and networking components to add over fifty personal computers to the court's existing network.

One of the most significant events of the first quarterly chairperson meeting was a ceremony commemorating the donation of over \$1 million USD of computer and automation equipment to the courts in Bulgaria. The event was hosted by the JDP with invited dignitaries including the US Ambassador to Bulgaria, the Minister of Justice, and the Chairperson of the Supreme Administrative Court. The JDP's accommodation of USAID delayed the actual title transfer, but with considerable repeated effort and logistical coordination, the JDP was able to complete the donations to the eleven Model Courts and the SJC by the first week of the reporting Quarter.

3.7. CIP Automation

Objective: [SAP 1.3.1.3; 1.3.3.3.] Develop a custom automation plan for each CIP. Provide automation hardware and software consistent with the plans.

Results/ Deliverables: Using the Nationwide IT Assessment document and the IT Operational Analysis, the JDP will be able to quickly determine the basic IT hardware and software needs for the partner courts. Custom planning will be performed in the second quarter of 2003, and continue as the partner courts are added to the project's responsibilities.

As a result of the Operational Analysis in the Model and Partner Courts, the JDP ordered automation equipment costing approximately \$178,000. This equipment was delivered early in the fourth quarter to three of the new CIPs and many of the Model Courts that needed hardware updating. The delivery of new hardware coincided with other initiatives such as Basic Skills and CMS trainings. In addition to the computer workstations and servers, the JDP installed Local Area Networks in the CIPs, and completed other network installation tasks in several of the Model Courts.

SUCCESS STORY:

Through direct involvement of Model Court technical staff, CIP automation and training was able to be accomplished faster and more effectively. Cooperation of Model Court staff with JDP efforts allowed Model Court staff to become more proficient and expert in their field, and CIP staff look up to them and seek support from them. This supports the basic sustainability premise underlying the entire CIP methodology.

3.8 New operational automation procedures for MPCs and CIPs

Objective: [SAP 1.3.1.3.] Assist courts in achieving better IT operations. Create a template for reviewing IT hardware and software usage in a court, test the model by conducting at least one review, train technical and administrative staff in how to perform a review, and assist with reviews of the MPCs and CIPs where necessary.

Results/ Deliverables: To further meet the IT strategy needs of the courts, the JDP developed a template for performing an IT Operational Analysis for the courts. The JDP began implementing this analysis for the Model Courts in the second quarter of 2003, and is performing the analysis for Partner Courts as they are added to the project's responsibilities. As part of the Operational Analysis, the JDP plans to purchase equipment needed to handle current automation needs, and identify any new automation initiatives for those courts. The JDP used the results of the IT Operational review to complete automation for the Model Courts and to provide some level of automation for the Partner Courts.

The JDP continued cooperative discussions with ABA/CEELI over installation of a prototype bankruptcy case software into one of the Model Courts. Efforts had been delayed by the need for the software developer hired by ABA/CEELI to complete his work. Toward the end of the fourth quarter it was reported that the software was ready for beta testing in a court and actual use with cases; however it was discovered that due to changes in the bankruptcy laws, some minor modifications to the software still needed to be done. Installation and pilot operation is anticipated in the first quarter of 2004.

3.9 Computer and automation training.

Objective: [SAP 1.3.1.2.] Improve computer and automation equipment skill levels of judges and court staff. Coordinate and support the delivery of training. Focus on sustainability and future training of all courts by qualifying court trainers and moving training from an outsource vendor to the MTC or national IT Department.

Results/ Deliverables:

CMS training: Training of Clerks and Judges in Sofia and Kurdzhali District Courts, Sofia, Chepelare, Gotse Delchev, Zlatograd, Madan, and Devin Regional Courts was accomplished in 2003, producing a total of eight Model and Partner Courts trained in the year. In order to ensure successful training, a comprehensive user guide and training manual was created. In the first quarter, in preparation for future implementations of the CMS, one day training sessions in use of the Lotus Notes Client were provided to thirty-nine clerks and secretaries in the Sofia Model Courts, including other departments of the Sofia Regional Court not part of the Model/Partner Court programs. System Administrator training to administer the CMS was delivered to Model Court System Administrators in the second quarter.

System Administrator Training: During the first quarter the JDP provided training for System Administrators in the Model Courts and the SJC. A total of sixteen persons were trained in using the Lotus Notes Client and other Lotus Notes/Domino Administration classes: Implementing a Domino Infrastructure; Maintaining a Domino Server; Deploying Domino Applications; and Maintaining Domino Users. In the second quarter, fourteen System Administrator attended training to administer the CMS. During the third quarter, the JDP started definition of course curricula for training System Administrators in general administration and “best practices,” and two of the three courses were given to fifteen System Administrators in the fourth quarter. The final course will be given in January of 2004.

Computer Skills training: Installation of the CMS and training court staff in various locations during 2002 identified significant technology training needs. The JDP outlined custom courses to be designed with the assistance of local vendors certified to teach in the technologies used by the CMS. During the second quarter a vendor was selected, and development of the course was begun. The first courses were given early in the third quarter to staff at the Sofia Regional Courts, and in the third and fourth quarters to staff at the Chepelare Regional Court, Smolyan Regional and District Courts, Kurdzhali DC, Gotse Delchev RC, Sofia DC, and Sofia RC. A total of seventy-five court employees from six courts were trained in Basic Computer Skills, and eleven of those employees were trained to be basic skills trainers. Thirty-nine court employees were trained in use of Lotus Notes, and fifty-five employees trained in the CMS. The MOJ IT Agency has been unable to address automation training needs; the JDP remains as one of the only skills training providers for the judicial system.

MAKING NEWS:

Evelina Zlatarska, System Administrator at Blagoevgrad District Court was nominated by her colleagues as an “IT Leader” in the yearly competition sponsored by IDG Bulgaria, a part of the world's leading publisher of IT related information. (System Administrators in the courts support central IT systems, workstations, user productivity software, and court case software, and also function as IT trainers.)

3.10 Hardware Maintenance

Objective: [SAP 1.3.1.3.] Assist courts with meeting maintenance needs of automation equipment. Determine the need for, appropriateness of, and cost-effectiveness of an extended warranty or service contract. If appropriate, purchase extended warranty or maintenance contract for equipment in SJC, MPCs, and CIPs.

Results/ Deliverables: All computing equipment was purchased with a three-year warranty (except for certain network components with a five-year warranty). By early 2003, much of that equipment was near the end of the warranty period and there is no existing national ability to meet hardware maintenance needs.

During the first quarter, the JDP purchased a two year extended warranty for IT in the model Courts and in the SJC in order that the equipment can be kept fully operational during that time period. Negotiation and purchase of the extended warranties, originally scheduled for the second quarter, was accomplished early. The contracts for those extended service

warranties were presented to all MCs in the first quarter and to the SJC early in the fourth Quarter.

3.11 Pilot project in verbatim court hearing records

Objective: [SAP 1.3.3.3.] Assist with preparation of better records of court proceedings. Plan for a potential pilot project for a court to make and keep verbatim records of court hearings.

Results/ Deliverables: During the second quarter, the JDP began researching the various technical options and equipment suppliers to evaluate costs and availability of the technology. This analysis will continue in preparation of implementation efforts in a pilot court, expected in 2004.

(See also Section 1.8, Public Access to Court Records, above.)

C. National IT efforts

3.12. Automation Assessment

Objective: [SAP 1.3.1.1.] Finalize a report for the MOJ and the SJC concerning the level of automation resources available within the Bulgarian courts.

Results/ Deliverables: During the first quarter the assessment was drafted, completed, and distributed. The assessment may be updated as the IT review is administered in the courts.

3.13 Unified Automation System

Objective: [SAP 1.3.1.1; 1.3.1.2; 1.3.2.1.] Assist MOJ and SJC with development of IT standards and draft changes needed to existing software used in the courts.

Results/ Deliverables: Through the analysis of the UISCC, ABA CEELI bankruptcy, and Conviction Certificates software packages, the JDP intends to define what changes need to be made in the CMS to comply with current and future IT standards adopted by the MOJ. During the second quarter JDP staff participated in meetings, discussions, and exchange of information with MOJ officials and a PHARE committee to assist with developing the IT strategy for the judicial system. Difficulties arose over the choice of case management software as part of the strategy. JDP staff worked to support the selection of the JDP developed CMS as the software for future use in Bulgaria. In the second quarter JDP staff attended a public presentation on the UISCC system. During the fourth quarter the JDP had two meetings with the MOJ and late in the quarter received technical documentation. During the first quarter of 2004, the JDP will perform a feasibility study to ascertain the compatibility of the CMS with the UISCC. The work done in the fourth quarter indicates that CMS software changes will be needed to take information from the criminal cases and format the information to pass to UISCC. Work with the software developer to initiate the changes required will begin in 2004.

3.14 National Judicial IT Department

Objective: [SAP 1.3.1.3; 1.3.1.4; 1.3.2.3.] Assist MOJ in national IT planning. Provide plan to MOJ for national rollout of the CMS. Assist with evaluating different methods of computer connectivity.

Results/ Deliverables: The JDP will be prepared to support the National IT department through the donation of Lotus Notes workstation and server licenses; donation to the SJC of the Case Management System was performed in the third quarter. See 3.13, above, for additional results.

3.15. Conviction Certificates Registry

Objective: [SAP 1.3.2.1.] Assist with development of national system for creating and maintaining a registry of conviction certificates.

Results/ Deliverables: During 2002, planning and analysis for implementation of a nationwide conviction certificate registry was completed. The JDP reviewed several existing conviction certificate systems in use in the courts and drafted a proposal for using one of those systems for automating the process in the courts. The JDP supplemented that information with the results of the automation survey to determine the best approach to meet this objective and wrote a proposal detailing the different technical approaches to meet the objective.

The JDP has worked with the CMS software developer to enhance the CMS to automate the conviction certificate process. The enhancement was fully defined and distributed to users for comment in the fourth quarter of 2003, software modifications were performed during the fourth quarter, and will be tested and installed in the regional courts where the CMS is running by the end of the first quarter of 2004. This CMS enhancement will then be modified to be compatible with other conviction certificate software used in the courts.

3.16 Web sites

Objective: [SAP 1.3.2.3; 3.2.2; 12.2.1.] Assist courts with planning, creating, and maintaining a court website.

Results/ Deliverables: Many courts have developed or wish to develop websites to make court information available to other courts and to the public. Courts have expressed the need for information and planning. During the second and third quarters, the JDP developed a curriculum for training courses in web development and design. Although originally anticipated for fourth quarter presentation, this training will be given to System Administrators as needed in 2004. Completion of the court website template (see below) has decreased the need for classes in web development. During the second quarter, the JDP began developing a web site for the MTC, and completed that development in the third quarter. In conjunction with the MTC website, the JDP worked together with MTC staff to make their internal judge training database more efficient and easier for non-technical staff to modify. The JDP continued to support MTC IT needs and anticipates additional IT assistance to the NJI in 2004. The JDP also completed development on two websites geared towards better

information exchange between court staff: a Bulletin Board System (BBS), which will run as a website available to non-technical users; and an IT webpage geared towards facilitation communication between System Administrators of the various courts.

In order to make it easier for court staff to design and build a web page and to conserve limited financial and human resources, the JDP developed a template that allows fast and easy design of web pages for the bodies within the judiciary. It is a general template which staff can modify for their court by changing the published information and the site appearance. This will allow each court to provide its local public with easy access to a great volume of diverse information about the court. The JDP worked together with the Blagoevgrad Model Courts to develop the template, and other courts have since requested the JDP to provide the template. In the fourth quarter the SJC issued an official decision approving work for development of a website template.

In the third quarter, the JDP began discussions with the SJC about a nationally based web portal for court and other judicial body websites. During the fourth quarter, the JDP held a meeting with representatives from the SJC, the courts, and prosecutors to discuss concerns and goals for the web portal. Those discussions also concerned the technical solution needed to host those websites, which the JDP agreed to provide for a limited period of time.

In the fourth quarter the JDP obtained an official SJC decision approving development work on a web portal. The JDP began developing the portal, which is expected to serve a wide audience of government staff, court employees, and the general public. Development work on the portal will include web sites for all courts in Bulgaria, by using publicly available information and generic web templates.